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Monday
14th September, 1953

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Vol. iv contains no. 26-33)

(Part I—Questions and Answers)

PARLIAMENT SECRETARIAT
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PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
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HOUSE OF THE PEOPLE

Monday, 14th September, 1953

The House met at a Quarter Past Eight of the Clock

[MR. DEPUTY-SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

EXTENSION BLOCK SCHEME

*1241. **Prof. D. C. Sharma:** (a) Will the Minister of **Planning** be pleased to state whether the Extension Block Scheme has been initiated by the Central Government in the Punjab?

(b) What facilities are generally given to the peasants of these intensive block areas?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Seven National Extension Blocks have been allotted to Punjab and will be taken up on 2nd October 1953.

(b) Details are given in the pamphlet on the organisation of a National Extension Service copies of which are available in the Library.

Prof. D. C. Sharma: May I know, Sir, where these Extension Blocks are going to be located?

Shri Hathi: The actual location and selection of these Blocks will depend upon the State Government concerned.

Prof. D. C. Sharma: May I know, Sir, how much expense these 7 Extension Blocks will involve?

Shri Hathi: For each Extension Block Rs. 10 lakhs are to be provided. The details of these things are mentioned in the pamphlet to which I have just referred.

Shri Heda: Is it not a fact that the Central Government in some cases have changed the location and place of the Extension Blocks?

Shri Hathi: No, Sir; that is in regard to the Community Projects. This is a question which refers to Extension Blocks. The Centre here has not changed any of them, nor were any names even asked for as to where they were to be located.

Shri B. K. Das: May I know, Sir, whether on the 2nd October all the Development Blocks will be opened simultaneously, and how many are going to be opened?

Shri Hathi: 180 will begin to operate.

PROGRAMME EVALUATION ORGANISATION

*1243. **Shri K. C. Sodhia:** (a) Will the Minister of **Planning** be pleased to state (i) the functions of the Programme Evaluation Organisation and (ii) when this organisation was brought into being?

(b) Does it submit any periodical reports of its work?

(c) If so, are they published?

(d) Which authority of Government considers these reports?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) (i) The

work of the organisation consists mainly in keeping under continuous observation the working of community projects and other schemes of intensive development with a view to keep all concerned apprised about their progress and about successful methods that may be followed with advantage.

(ii) The Director took charge on 1st October 1952. Most of the staff joined the organisation at the beginning of April, 1953 after selection by the U.P.S.C. After suitable training it started work at the commencement of May, 1953.

(b) It will submit reports based on its investigations into special aspects of the working of community projects as they are ready. It will also submit annual reports of its work.

(c) These reports will be submitted to the Planning Commission which may order their publication.

(d) The Planning Commission, which is the Central Committee for Community Projects.

Shri K. C. Sodhia: Has the mode of operation been settled?

Shri Hathi: The method as to how these officers should work is, of course, settled.

Shri K. C. Sodhia: What is the composition of this organisation?

Shri Hathi: The composition of this organisation is as follows. There is the Director, there are Deputy Directors and there are Project Evaluation Officers stationed at each project which we have selected.

Shri S. C. Samanta: May I know, Sir, whether the reports of the Community Projects wil come direct to the Ministry or through this organisation?

Shri Hathi: This is actually a wing of the Planning Commission. The reports will come to this organisation which will forward them to the Planning Commission.

Shri K. C. Sodhia: Are any non-official gentlemen associated with this organisation?

Shri Hathi: No, Sir.

Shri N. M. Lingam: May I know, Sir, if any foreign experts are associated with this organisation?

Shri Hathi: No, Sir.

Kumari Annie Mascarene: May I know, Sir, with regard to the answer to question (d) whether the Planning Commission interferes in the routine business of Government?

Mr. Deputy-Speaker: Government? There is no question of Government here. This is an organisation for evaluation of this programme. How does the Government come in?

Kumari Annie Mascarene: Answer to question (d).

Mr. Deputy-Speaker: What authority of Government considers these reports?

Shri Hathi: The Planning Commission, Sir, is the Central Committee for the Community Projects Administration. As such, it looks into these reports.

Shri Achuthan: May I know, Sir, whether this programme evaluation is an independent organisation or will it be under the Central Planning Commission?

Shri Hathi: It is independent of the Community Projects Administration, but it is, in fact, a wing under the Planning Commission.

Shri K. C. Sodhia: Is it proposed to publish the reports of this organisation?

Shri Hathi: That is what I have already said. They will be published.

Export of Onions

*1244. **Shri Sanganna:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Government of Ceylon have banned import of onions from India; and

(b) if so, whether it has any repercussion on the production and price of onions in India?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). The Government of Ceylon have adopted a restrictive import policy for onions from March, 1953.

Government have received no reports about any adverse effects of the Ceylon Government's policy on the production or prices of onions in India.

Shri Sanganna: May I know, Sir, the quantity of onions exported from India every year and the value of exchange earned on it?

Shri T. T. Krishnamachari: Sir, I have the figures of export; but I have not got the value. The export figures are:

1951	58,650 tons
1952	35,100 ,,
January to July 1953	14,500 ,,

Kumari Annie Mascarene: May I know, Sir, whether the Government are aware that since this attitude of the Ceylon Government, the production of onion has fallen, especially in the south?

Shri T. T. Krishnamachari: Sir, the figures that are supplied by the Ministry of Food and Agriculture do not indicate any fall.

Dr. M. M. Das: May I know, Sir, whether it is a fact that the West Bengal Government had an additional quantity of onions to export in excess of the quota allotted to that State, and the Central Government did not permit the export of this additional quantity of onion?

Shri T. T. Krishnamachari: To?

Dr. M. M. Das: To Burma.

Mr. Deputy-Speaker: This is for Ceylon.

Shri Muniswamy: May I know, Sir, from which part of our country the large quantity of onion export was made to Ceylon?

Shri T. T. Krishnamachari: Madras, Bombay and Saurashtra.

Shri Heda: In view of the fact that the Ceylon Government in the matter of onion and some such other commodities like chillies etc. have changed their restrictions from time to time and therefore, the trade or import-export relationship between the countries...

Mr. Deputy-Speaker: Why argue this matter?

Shri Heda: I am just asking whether the Government are considering to take up the matter with the Ceylon Government on a long-range view.

Mr. Deputy-Speaker: Any agreement with the Ceylon Government?

Shri Heda: Long-range agreement.

Shri T. T. Krishnamachari: Sir, the question of import of onions into Ceylon depends very largely on their local production. Their local production has been rather good in recent times. They have imposed certain restrictions on imports, and they have a curious way of achieving these import restrictions by compelling their dealers to take a particular quantity of local production and then giving them licence for import of the balance This is a matter purely for the Ceylon Government to adjust their needs according to local supply and the balance —short-fall—therefrom.

Shri M. D. Ramasami: Have the Government satisfied themselves that the ban is on the basis of self-sufficiency or on account of discrimination?

Mr. Deputy-Speaker: He said that.

Shri T. T. Krishnamachari: I do not think this Government can sit in judgment over the Government of a neighbouring country.

Shri P. C. Bose: May I know if these restrictions on Indian onions is due to local production or due to the import from other countries at cheaper rates?

Shri T. T. Krishnamachari: The information that I have in my possession is that the production in Jaffna is rather good.

REPATRIATION OF I. N. A. PERSONNEL

*1245. **Shri Nageshwar Prasad Sinha:** (a) Will the **Prime Minister** be pleased to state the number of I.N.A. personnel repatriated after the war from Germany to India?

(b) Were those people repatriated at Government cost?

(c) If so, is it a fact that Government have been making recoveries of the amount spent over them?

The Prime Minister (Shri Jawaharlal Nehru): (a) Twenty-two.

(b) Yes.

(c) As they were repatriated against written undertakings to repay the cost of repatriation, attempt was made to recover the amounts. Such recovery was made in a few cases. It was decided not to do so from persons who were not in a position to pay. It has now been decided to write off all remaining dues from I.N.A. personnel on account of repatriation charges.

Shri Nageshwar Prasad Sinha: May I know what amount was actually incurred and what has been realised up till now?

Shri Jawaharlal Nehru: I fear I have not got the figures, Sir.

Shri T. K. Chaudhuri: May I know whether the pay and other monetary emoluments due to the regular service personnel who had joined the I.N.A. in Germany which were stopped by the British Government have been paid to them?

Shri Jawaharlal Nehru: I think, Sir, there is some confusion about what might be called the I.N.A., and the other people who joined who were not in the Army. I do not know. I.N.A. was mostly in South-East Asia. In Germany, most of the people repatriated were civilians. There were no army people and no question of pay etc. arises so far as I know. I am not absolutely certain. There was not a single army man, but there might have been a few prisoners taken over by the Germans who joined the I.N.A. It is possible.

Shri T. K. Chaudhuri: I am asking about them.

Shri Jawaharlal Nehru: Their case is completely different from the regular I.N.A. people, which came before the House. They were odd people in Germany who were repatriated and who had great difficulties and who were sometimes in prison camps later after the armistice.

Shri T. K. Chaudhuri: What has been the arrangement in regard to the regular service personnel generally who had joined the I.N.A.?

Shri Jawaharlal Nehru: May I know whether the hon. Member is referring to I.N.A. in South-East Asia or in Germany?

Shri T. K. Chaudhuri: In Germany or South-East Asia.

Mr. Deputy-Speaker: I do not think it arises out of this.

Shri N. M. Lingam: May I know if there are any more personnel to be repatriated and, if so, how many and from what countries?

Shri Jawaharlal Nehru: So far as I know, there is none; probably, at the most there may be one or two who refuse to come. There were such cases of persons who refused to come.

CLOTH CONTROL ORDER

*1246. **Shri S. G. Parikh:** (a) Will the Minister of **Commerce and Industry** be pleased to state how many mills have been detected in the act of contravening Cloth Control Order regarding production of *dhoties*?

(b) Against how many mills prosecutions have been lodged or are expected to be lodged in each State?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) The period, February—May 1953—149.

(b) Instructions have been sent to State Governments in regard to 45 mills against whom prosecutions might be launched. In the case of other mills, the excess production was comparatively small and they have been directed to reduce their production in succeeding months, so that it is readjusted within the quota.

Shri S. G. Parikh: May I know whether the Government of Bengal refused to launch prosecutions against the offending mills for contravening the Cloth Control Order regarding production of *dhoties* in spite of the repeated directions of the Government of India to proceed with prosecutions?

Shri T. T. Krishnamachari: No, Sir. There is no question of any Government refusing to launch prosecutions.

Shri Kelappan: May I know what was the excess production in the case of these 45 mills against whom prosecutions had been ordered to be launched?

Shri T. T. Krishnamachari: Will the hon. Member repeat his question?

Mr. Deputy-Speaker: He wants to know the quantity of excess cloth for which these 45 mills have been directed to be prosecuted.

Shri T. T. Krishnamachari: To give the excess quantity for a period of 9 months in regard to 45 mills is rather difficult. Excess production varies from mill to mill.

Shri G. P. Sinha: May I know how many mills have been prosecuted in Bengal for contravening this Order?

Shri T. T. Krishnamachari: To the best of my knowledge no prosecution has yet been launched.

Dr. M. M. Das: May I know whether it is a fact that the imposition of this restriction upon the mills has not helped in any way the handloom weavers of Madras; on the contrary, it has raised the price of *dhoties* in places like West Bengal, Bihar and U.P.?

Shri T. T. Krishnamachari: Sir, in regard to the latter part of the question it is correct. With regard to the former, I am asked to express an opinion which I would not express.

Shri P. C. Bose: May I know, Sir, if the number of labour employed has been in any way affected on account of this restriction?

Shri T. T. Krishnamachari: I have not applied my mind to that aspect of the problem.

Shri S. G. Parikh: Is it a fact, Sir, that in spite of the directions, the mills in Bengal are producing more *dhoties*?

Mr. Deputy-Speaker: That is why prosecutions have been directed to be launched.

Shri S. G. Parikh: In spite of the directions they are producing more *dhoties*.

Mr. Deputy-Speaker: Then they will be prosecuted.

Shri Bansal: May I know if Government are thinking of assessing the value of this experiment in a manner so as to continue or discontinue this policy?

Shri T. T. Krishnamachari: So far as Government is concerned, this is a continuous process.

महात्मा गांधी की समाधि

*१२४७. श्री रघुनाथ सिंह : (क) क्या निर्माण, गृह-व्यवस्था तथा रसद मंत्री यह बतलाने की कृपा करेंगे कि क्या महात्मा गांधी की समाधि का प्रस्तावित नमूना, जो कि लोक निर्माण विभाग के फीरोजशाह रोड, नई दिल्ली स्थित कार्यालय में प्रदर्शित किया गया था स्वीकार कर लिया गया है ?

(ख) क्या सरकार ने कलाकारों को नमूने प्रस्तुत करने के लिये आमंत्रित किया था या विज्ञापन निकाले थ ?

(ग) क्या सरकार का समाधि के निर्माण के लिये कोई समिति बनाने का विचार है ?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) The design has been approved by the Gandhi Memorial Design Committee and its final acceptance is being considered by Government.

(b) No formal advertisements were issued but there was a general invitation extended, to artists and Architects for suggestions in regard to the design.

(c) No, Sir.

श्री रघुनाथ सिंह : पी० डब्ल्यू० डी० आफिस में कई तरह के नमूने रक्खे हुए हैं, उन में से कौन सा स्वीकार किया गया है ।

Sardar Swaran Singh: I do not know how to describe that; but one of them has been accepted and the photographs of the accepted one have been published in the newspapers.

श्री रघुनाथ सिंह : उस में तीन डिजाइन हैं । उन में से उत्तर वाला स्वीकार किया गया है या दक्षिण वाला या बीच वाला ?

Sardar Swaran Singh: Sir, my recollection of the geographical juxtaposition is rather poor. But, that design which is in white with a red stone base has been accepted, if that description helps my friend in any way.

Shri Dabhi: Who is the author of the approved design and what is the estimated expenditure on the Samadhi?

Sardar Swaran Singh: Sir, the design has been evolved after considerable thought and a number of persons have been contributing towards its final shape and it is difficult to ascribe it to anyone particular architect or artist. The estimated cost is 16½ lakhs of rupees.

श्री नवल प्रभाकर : यह जो माडल तैयार किये गये हैं उन में कितना खर्च हुआ ?

Sardar Swaran Singh: Sir, I would require notice; but that is not much.

Shri Muniswamy: May I know when the construction is expected to commence?

Sardar Swaran Singh: I have already said, Sir, that the design has yet to be approved by the Government. As soon as the approval is given, the construction will start and after that it will take about a year and a half.

SOCIAL EDUCATION ORGANISERS TRAINING CENTRES

*1248. **Shri Muniswamy:** (a) Will the Minister of **Planning** be pleased to state whether it is a fact that a conference of the Directors of Social Education Organisers Training Centres was held recently in New Delhi?

(b) If so, what was the purpose of the Conference?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes.

(b) The Conference was convened to consider various problems connected with the training of Social Education Organisers and ways and means to make the programme of Social Education vital in the Community Development Programme.

Shri Muniswamy: May I know whether the representatives of all the States had been to that Conference?

Shri Hathi: No, Sir.

Shri Muniswamy: May I know who were the representatives who attended this Conference?

Shri Hathi: The Directors of the Social Educational Organisation Training Centres were there; the representatives of the Education Ministry of the Government of India, the representative of the Food and Agriculture Ministry, the representatives of the Community Project Administrations, etc. were present.

Shri Muniswamy: May I know when these centres will begin functioning?

Shri Hathi: They are already functioning, Sir.

Dhoties AND *Sarees*

*1249. **Shri Jhulan Sinha:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) for how long the restriction on the production of *Dhoties* and *Sarees* by the Cloth Mills has been in force; and

(b) the progress made in the preparation of the report by the Expert Committee which was appointed to determine finally the patronage to be given to the handloom industry?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) There are no restrictions on the production of *sarees*. The restriction on production of *dhoties* by mills has been in force since January, 1953.

(b) Presumably, the reference is to the Textile Enquiry Committee appointed in November, 1952. If so, the Committee is expected to submit its report by the end of 1953.

Shri Jhulan Sinha: May I know, Sir, if during the period of restriction on *doties* and the limited restriction on *sarees*, the consumers in this country have felt any shortage of *dhoties* and *sarees* or any increase in the price thereof?

Shri T. T. Krishnamachari: So far as restriction on certain types of *sarees* is concerned that is an old one and has been in operation for two or three years. So far as the prices of *dhoties* are concerned, I am told that prices have risen in several parts of India; *e.g.* Orissa, Bengal, Uttar Pradesh, Rajasthan, some portions of Maharashtra and even in other areas the prices of finer varieties have risen.

Shri Jhulan Sinha: May I know, Sir, during the period pending the receipt of the report by the Textile Inquiry Committee, does Government mean to continue the restriction, or limit it or increase it in any way?

Shri T. T. Krishnamachari: Government's policy in regard to this matter must be determined by the exigencies of the situation. I am unable to say anything in regard to the future; at the moment there is no such proposal.

Shri Heda: In view of the fact that the after-effects of this policy are being realised differently in different parts of India, are Government going to consider to take different measures in regard to mills situated in different areas?

Shri T. T. Krishnamachari: This is rather a difficult question to answer. The Central Government cannot differentiate between different parts of India or pass different orders on different mills. It has got to be largely done by State Governments whom we might permit to do so within the scope of the powers that are vested in us by the Constitution. For instance, the Bengal Government have asked for a ban on export of *dhoties* from Bengal for a period and we have permitted them. These questions have to be settled as and when problems arise. We cannot give an omnibus answer to all the questions of this nature.

Kumari Annie Mascarene: May I know, Sir, with regard to answer to part (a) given by the hon. Minister the total value of the excess produced in contravention of that order?

Shri T. T. Krishnamachari: That was asked in an earlier question. The total production of *dhoties* is still within the overall quota that we have fixed. The overall quota fixed is in the region of 30,000 bales and the production is a little less than 30,000 bales. The object of the restriction has been achieved by restricting the production well within 30,000 bales though individual mills have here or there contravened the order.

Shri N. M. Lingam: Is it a fact that the mills have effectively circumvented the restriction orders of the Government by keeping to the length but

increasing the width of *dhoties*?

Shri T. T. Krishnamachari: I do not know, Sir, if the increase of the width is an effective method of circumventing the restrictions. It all depends very possibly on the height of the people, who use these *dhoties*, which has possibly increased now.

EDIBLE OILS

*1252. **Shri Heda:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have arrived at some decision on the recommendation of the Khadi and Village Industries Board that the crushing of the edible oils be reserved for village *ghanis*; and

(b) if so, in what form?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Not yet.

(b) Does not arise.

Shri Heda: How much time Government will take to come to some decision on that resolution or recommendation?

Shri T. T. Krishnamachari: I have stated in my reply to a similar question on a former occasion that the question of preventing mills from crushing edible oils and passing it on to village *ghanies* is a matter which is primarily within the sphere of activities of the State Governments. While in the case of mills which fall within the purview of the powers of the Central Government, we can prohibit them from crushing, it is rather difficult to say whether the village *ghanies* would be able to take up this business. It is a matter that rests with State Governments. There is no use attempting to pin me down to a particular date. The date may be next year; it may be two years or five years hence or it may be earlier.

DISPLACED PERSONS FROM JAMMU AND KASHMIR

*1253. **Dr. Ram Subhag Singh:** Will the Minister of **Rehabilitation** be pleased to state:

(a) the total number of displaced persons from Pakistan-held territory of Jammu and Kashmir so far resettled, as a result of the efforts made by the Joint Indo-Kashmir Rehabilitation Board; and

(b) how many more displaced persons of that part of Jammu and Kashmir are still awaiting resettlement?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) 30,300.

(b) Information is being collected and will be laid on the Table of the House in due course.

Dr. Ram Subhag Singh: May I know, Sir, whether the resettlement of refugees brought from the Yole Central camp last year has been completed?

Shri J. K. Bhonsle: Yes Sir.

Sardar Hukam Singh: Is it a fact that in some cases these displaced persons from enemy-occupied area have been given one acre or at the most two acres of land per family while the previous settlers were given ten acres per family?

Shri J. K. Bhonsle: I require notice.

Shri Gidwani: Is Government aware that a number of people belonging to that area have been sent to distant places like Ahmedabad and they have received no loan for settlement?

Shri J. K. Bhonsle: We have already advanced loans to the State Governments and I take it that it may be some time before they actually receive them.

Sardar Hukam Singh: Is it a fact, Sir, that in view of the lands vacated by the evacuees there, no evacuee property has been given to this category of refugees.

Shri J. K. Bhonsle: I require notice.

Dr. Ram Subhag Singh: In reply to part (b) of the question the hon. Minister has said that the information is being awaited. May I know, Sir, whether the refugees who have already come here have not yet been accounted for or have not yet been registered anywhere?

Shri J. K. Bhonsle: They are so scattered that it is very difficult to get any information in so short a time.

DISPLACED CHILDREN FROM WEST PAKISTAN

*1254. **Dr. Ram Subhag Singh:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether the Government of India has accepted the responsibility for the education of displaced children from West Pakistan for a further period of three years;

(b) what is the number of school-going children from West Pakistan whose responsibility for education the Government of India have undertaken in the year 1953-54; and

(c) the expenditure involved in undertaking this responsibility?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) Yes, on a tapering scale upto the end of the financial year 1955-56.

(b) The number of children is not known. It is left to the State Governments to give financial assistance to as many students as possible within the limits of allotments made to them.

(c) Rs. 1 crore during 1953-54. It is proposed to spend upto a maximum of Rs. 35 lakhs during each of the years 1954-55 and 1955-56.

Dr. Ram Subhag Singh: May I know, Sir, whether the students receiving technical and professional training will also be covered by this new policy?

Shri J. K. Bhonsle: Yes Sir.

Dr. Ram Subhag Singh: May I know the number of students?

Shri J. K. Bhonsle: It is not known.

Shri Gidwani: Have the grants been sent to the various State Governments and have they been distributed?

Shri J. K. Bhonsle: Yes Sir. We have already sanctioned this grant in July. Whether the State Governments have distributed the same or not, I am not in a position to say.

Shri Gidwani: Are the Government aware that in Bombay the moneys have not been distributed by the State Government. Will the Government expedite the matter?

Shri J. K. Bhonsle: The Bombay Government have received the sanction on the 1st of August.

Shri Muniswamy: May I know, Sir, how is help given to these families? Is it by giving that in lump-sum or by giving them free scholarships?

Shri J. K. Bhonsle: There are three stages of help. The primary education is all free and the Government gives them Rs. 2 per year for the purchase of books etc. The students of middle classes get Rs. 10 per annum and those of high and preparatory classes Rs. 20 per annum. This cash grant is limited to 50 per cent. of displaced students in primary and middle classes and 40 per cent. in high and preparatory classes.

Shri B. K. Das: May I know, Sir, whether there is any children's home maintained for this purpose?

Shri J. K. Bhonsle: I cannot say offhand.

Shri Gidwani: Have Bombay Government resubmitted any scheme in regard to the distribution of money?

Shri J. K. Bhonsle: No.

Shri N. L. Joshi: What are the considerations which weigh with the Government to determine aid to the State Governments?

Shri J. K. Bhonsle: It depends on the number of actual displaced students in the state and on the basis of that the scheme is worked out.

ADMINISTRATOR OF COMMUNITY PROJECT

*1255. **Dr. M. M. Das:** Will the Minister of **Planning** be pleased to state:

(a) whether the Administrator of Community Projects and a Member of the Planning Commission who had gone to West Bengal, in the month of July, 1953 to study and help in the solution of the problem of unemployment in that State, have submitted any report to the Central Government; and

(b) if so, the contents of their report in brief?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) and (b). It is not a fact that the visit to West Bengal was for this purpose. The discussions were purely informal and no report has been submitted.

Dr. M. M. Das: What was the subject matter of the discussion?

Shri Hathi: The subject matter of the discussion was that there was a talk about the possibility of organizing transport of coal by rail and road with the coal industry. The main talks that the Member had were with the representatives of the coal industry with regard to the transport of coal.

Dr. M. M. Das: I wanted to know whether the representatives of the Central Government did not consult the West Bengal Government about their problem of unemployment.

Shri Hathi: No. It was not meant for that. They did not go for that purpose and there was no formal discussion about this problem.

Dr. M. M. Das: Why did the Administrator of Community Projects go there?

Shri Hathi: The Administrator of Community Projects went there for the purpose of visiting the project centres.

Shri N. Somana: May I know whether Government have thought of solving rural unemployment through these community projects?

Mr. Deputy-Speaker: That does not arise out of this question. Next question.

COFFEE

*1256. **Shri A. M. Thomas:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the prices of coffee since January 1953;

(b) how it compares with the current prices in the U.K. market;

(c) whether Government have issued directives regarding the releases of coffee through various channels and whether the quantities offered by the Board could not be disposed of;

(d) whether the organisations who received coffee at concession rates have asked permission of the Board to sell to private traders; and

(e) what steps do Government propose to take in the matter of the disposal of the undisposed stocks?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) A statement giving the information is laid on the Table of the House. [*See* Appendix VI, annexure No. 18.]

(b) The current prices in the U.K. market are not available.

(c) Yes, Sir. In recent months, the quantities earmarked for supply through Cooperative Societies, propaganda units etc. have not been fully taken up.

(d) Yes, Sir.

(e) This question is under Government's consideration.

Shri A. M. Thomas: On going through the statement, I find, Sir, that the price has gradually come down. Does the Government think that it has now come down to a reasonable level?

Shri T. T. Krishnamachari: That is a matter of opinion. My personal opinion is that it has not.

Shri A. M. Thomas: May I know what the quantity of coffee is, that is expected to be consumed within the

next three months, in view of the fact that coffee from the next crop will be available from next January, and what is the present stock?

Shri T. T. Krishnamachari: The present stock, I can give, but I can give no estimate of the consumption. The present stock, according to the Coffee Board, on 1st August 1953, is 14,639 tons, subject to minor adjustments.

Shri A. M. Thomas: Giving an allowance for the buffer stock, does not the Government consider that it is a very large stock, in view of the fact that fresh arrivals will come in January?

Shri T. T. Krishnamachari: Maybe so, but I think a large stock has not had any effect on consumer prices yet.

Shri Shivananjappa: May I know whether it is a fact that the recent auction sales held at Mangalore and Tumkur had to be closed down for want of bidders?

Shri T. T. Krishnamachari: There does seem to be an attempt on the part of some of the bidders to non-cooperate with the Board. But I think this is a matter of interaction of various forces. Sometime back when the bidders raised their prices to Rs. 351, the Board allowed them to go on, but they are now getting it back.

Shri N. M. Lingam: Has there been any delay on the part of the Coffee Board to pay the pool price, and if so, what are the causes for this delay and what steps do the Government propose to take to remedy the situation?

Shri T. T. Krishnamachari: I require notice.

Shri A. M. Thomas: May I know whether there has been any complaint that the large-stock left over will result in deterioration and seed loss and may I also know in such a case, what steps do the Government propose to take?

Shri T .T. Krishnamachari: There have been many complaints, and recently there was a congregation of planters in a place called Coonoor. I think the occasion was used for making wild and reckless charges against the Government by all the interested parties. The charges were so violent that the complaints should be taken with a large grain of salt. The Government have said that they are examining the question.

Shri N. P. Damodaran: May I know, Sir, why the quantities offered by the Board could not be disposed of? Have the Government entered into the problem?

Shri T. T. Krishnamachari: The Government have suggested other means to the Board for the disposal of the stock. The Board did not feel its way to comply with the Government's suggestion.

RUBBER

***1257. Shri A. M. Thomas:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) what is the quantity of rubber with producers, traders and manufacturers as on 31st August, 1953;

(b) whether Government have withdrawn the offer to lift 6,000 tons based on the report of the officer deputed to study the situation;

(c) what are the steps which Government have taken to give relief to small scale producers and also to deal with the undisposed stocks; and

(d) how the present stock compare with the stocks of the years 1951 and 1952?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) The figures estimated are as follows:—

Unsold stocks with producers and dealers on 1st September, 1953—2,500 tons.

Stocks with manufacturers on 1st September, 1953—4100 tons.

(b) The Government had on hand a Scheme to purchase stocks of rubber

from producers and dealers especially the smaller people. There has been no need, however, to put this scheme into operation.

(c) The present stock position calls for no special measures.

(d) Stocks of rubber with estates, dealers and manufacturers are as follows—

August 1951—7378 tons,

August 1952—6036 tons and

August 1953—6600 tons (estimated).

Shri A. M. Thomas: From the statement, I find that even in August, 1953, the stock is estimated to be 6,600 tons, and prior to it, in August, 1951, it was 7,378 tons. In August, 1952, it was 6,036 tons, and there has been a great deal of discontent among the small growers. In view of the present stock and in view of the fact that this is the rubber season, what steps do the Government intend to take in view of the mounting stock?

Shri T. T. Krishnamachari: Sir, my hon. Friend who tabled the question has not exercised his mind over the statistics. Statistics are often misleading . In August, 1951, there were 7,378 tons. That is a year when we imported about 6,700 tons of rubber. In August, 1952, there were 6,036 tons; that is a year in which we imported about 3,800 tons of rubber. In August, 1953, it is estimated to be 6,600 tons, a year in which we have not imported any rubber.

Shri A. M. Thomas: The hon. Minister stated at the prior session of this House that the Government proposed to export a small quantity in case it was found that small growers were suffering, and so, may I know, Sir, what was the reason for withdrawing the measures that the Government intended to take?

Shri T. T. Krishnamachari: There is no question of withdrawing any offer of allowing the exports. We did allow about 400 tons of pale crepe latex rubber, but the actual quantity exported was negligible for the reason that the world prices are far below Indian prices that have been fixed by the Government.

In regard to the other question why we have not purchased rubber, as I said, the position really is the question of rubber available for tyre manufacturers. Today, with this position of 2,500 tons in stock with estates and dealers, just about one-third, happens to be the class of rubber that the tyre manufacturers are purchasing. So, the Government felt that there is no need to go in for giving any additional support for these rubber stockers. On the other hand, there was also another move which Government had to counter. That is, the moment the Government announced that they are going to purchase rubber, some of the bigger people went and purchased rubber from the estates at lower prices, and the Government having fixed it at Rs. 138, hoping to get a higher price from Government purchase. It is not the intention of the Government to help to ease the stocks of the wholesalers in rubber.

Shri V. P. Nayar: From the figures given by the hon. Minister it would appear that the consumption of rubber is declining. May I know whether the Government have taken any concrete steps to increase the consumption of locally produced rubber?

Shri T. T. Krishnamachari: The conclusion drawn by the hon. Member from the figures given by me happens to be wrong.

Shri V. P. Nayar: He said that last year we had imported some quantity, and so that quantity also must have been consumed. This year, he says we have not imported any quantity, and we have 6,000 tons as balance. That clearly shows that they are not having consumption, now.

Mr. Deputy-Speaker: The hon. Member wants to know why the consumption has come down now.

Shri V. P. Nayar: What was the quantity consumed in 1951 and what is the quantity consumed in 1952-53?

Shri T. T. Krishnamachari: To the best of my information, consumption has not gone down appreciably, and if the hon. Member wants details, he can table a question.

Shri A. M. Thomas: In the answer to part (d) of the question, the figure ought to have been 1,000 and odd instead of 6,000 and odd.

Mr. Deputy-Speaker: There seems to be an apparent difficulty. That is a difficulty in which I am also labouring under, though I cannot put a question. The total production is given as 6,000 tons. Consumption has been reduced. Now, import plus local production must have been consumed. How then does the hon. Minister say consumption seems to be the same, notwithstanding the fact that so much of import has been reduced? Local production at least must have been increased. That is the difficulty.

Shri T. T. Krishnamachari: The question of consumption does not stay out all the time. There has been a little variation between 1951 and 1952. But I think the 1953 figures are not likely to be anything less than those of 1952—that is the information that I have got. Therefore, merely by adding up a few figures and drawing a deduction on the spur of the moment does not help.

Shri V. P. Nayar: That answer is off the point. What the hon. Minister said was that in 1951 we imported about 8 thousand tons or so, in 1952 we imported 3,000 tons or so; during the current year we have not imported.....

Mr. Deputy-Speaker: The hon. Minister is equally certain about consumption not going down.

Shri A. M. Thomas: The hon. Minister stated that when Government announced its intention of purchasing some quantity of rubber, the traders purchased from the small growers. May I know whether Government propose to buy from the small growers and if so what was the difficulty in buying from the small growers?

Shri T. T. Krishnamachari: The real difficulty is Government have no organisation of their own. The manner in which the Rubber Board is organised at present does not give us any facility for this purpose. It may be, Sir, when the Rubber Board is reorganised Government may be able to enter into the market and purchase from the small growers. As at present we have only to use the good offices of one of the regular buyers. We did try to use their good offices. They were willing to buy rubber for us. The circumstances are such that Government could not enter into the market without the danger of putting in the extra price they pay into the hands of middlemen who stock rubber.

BETEL-NUTS

*1258. **Dr. M. M. Das:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that twenty-eight license-holders for the import of betel-nuts for the current term have been found to be non-bonafide merchants;

(b) if so, the total amount for which twenty-eight licenses were issued; and

(c) whether all these twenty-eight license-holders are new-comers applying for licenses for the first time?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) to (c). As a result of a complaint, Government have instituted enquiries against 29 firms in Delhi which were suspected to have obtained licences for the import of betel-nuts, by misrepresenting facts. All the 29 firms are new-comers and the total value of the licences issued to them is Rs. 92,000.

Dr. M. M. Das: In view of the fact that a certificate from a chartered accountant is necessary for every applicant certifying the annual internal turn-over of the firm concerned, do Government propose to take action against those chartered accountants who issued false certificates about these firms?

Shri T. T. Krishnamachari: Action has been taken in regard to four persons: in regard to 25 firms investigation is proceeding. If the investigation reveals that the certificates that have been produced are false, naturally the appropriate section of Government will take action against the offenders.

Dr. M. M. Das: May I know, Sir, whether any attempt has been made to find out the extent of complicity in this matter, of the government officials?

Shri T. T. Krishnamachari: Again, it is a question of investigation. Investigations are proceeding. I cannot answer any question that will be based on the result of these investigations until they are complete.

Shri V. P. Nayar: Are Government aware that there is trading in import licences for betel-nuts? May I also know whether the Enforcement Branch of the Commerce Ministry has detected any case so far?

Shri T. T. Krishnamachari: The instance in question is the result of a certain amount of vigilance at the part of the Import Control Branch of the Commerce and Industry Ministry. The other matters are matters of surmise about which I can offer no answer.

Shri Muniswamy: May I know, Sir, whether the responsibility of giving these licences wholly depends upon the zonal Chief Controllers or partially on the Centre and partially on the zones?

Shri T. T. Krishnamachari: It is only as a result of these investigations that we might be able to fix the responsibility. Until then, I am unable to answer this question.

Shri T. N. Singh: This is not the first time when due to misrepresentations licences have been given. May I know whether Government have tightened up or improved the procedure in this regard so that they may have a double check on the representations made in these licences?

Shri T. T. Krishnamachari: Government are constantly reviewing the procedure of granting import licences and I am happy to say that at the present moment the types of evasion that are practised are practically negligible. Instances like this do come to our notice now and again. Human nature being what it is these are bound to occur. I can only say that in the overall picture abuses are much less than what they used to be.

Dr. M. M. Das: May I know whether all these 29 licences were issued by the newly established Delhi Branch of the import office?

Shri T. T. Krishnamachari: I would like to varify that matter.

Shri T. N. Singh: May I know whether Government have ever evoked in the matter of these import licences the section of forgery where wrong statements are made?

Shri T. T. Krishnamachari: It is a sort of general question. There may have been cases of forgery, where licences are obtained fraudulently. But I am unable to answer a question of that nature off-hand.

Savings Bank Accounts of Displaced Persons

*1259. **Shri S. C. Samanta:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether any interim relief was sanctioned to the displaced persons from Eastern Pakistan who had savings bank account in Pakistan pending the decision of the Pakistan Government;

(b) the number of cases verified upto-date:

(c) the amount of interim relief given up-to-date; and

(d) when the decision of the Pakistan Government is anticipated?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) to (c). An interim relief scheme has been sanctioned in respect of displaced persons who had post office savings bank

accounts in Pakistan—both East and West. In respect of displaced persons from East Pakistan 13 claims, out of 21 received by Government, have been verified but no claim has been accepted so far as the claimants did not fulfil the prescribed conditions for the grant of relief.

(d) It was decided during the recent discussions held at Karachi that the verification and exchange of Post Office Savings Bank Accounts etc. should be expedited.

Shri S. C. Samanta: May I know whether it is a fact that the Posts and Telegraphs Department has given some interim relief to extreme cases, if so, was it done with the concurrence of the Rehabilitation Ministry?

Shri J. K. Bhonsle: I am not aware of that.

Shri S. C. Samanta: May I know, Sir, whether pending the decision of both Governments some interim measures will be taken for extreme cases?

Shri J. K. Bhonsle: Yes, Sir. A scheme is under consideration whereby those who did not register their claims with the post offices by specific dates—the dates being 31st March 1949 for savings banks accounts and 30th June 1949 for cash certificates—are to be given relief as soon as possible.

Shri K. K. Basu: May I know whether any time-limit has been fixed as to the grant of interim relief, because the hon. Minister stated "as soon as possible"?

Shri J. K. Bhonsle: No, Sir.

EVACUEE PROPERTY

*1260. **Sardar Hukam Singh:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether the work of assessment of the value of the evacuee property left by Muslims has been completed;

(b) if so, what is the total value of this property; and

(c) whether Government have taken any decision as to the manner in which this property is to be utilised so far as compensation to displaced persons is concerned?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) Not yet.

(b) Does not arise.

(c) No.

Sardar Hukam Singh: What time is likely to be taken for the completion of this work?

Shri J. K. Bhonsle: It is very difficult to say, Sir. The question of settlement of the immovable property issue, both urban and rural, was discussed very recently when Mr. Khanna and some of our officials went to Karachi. We have now asked the Pakistan Government if they would be ready to discuss the same question in the third week of this month.

Sardar Hukam Singh: A few days ago we were told on the floor of the House that there were certain points on which we had reached an agreement with Pakistan, when the Adviser to the Rehabilitation Ministry visited Karachi. May I know whether any aspect of this property also was discussed and whether any decision has been arrived at?

Shri J. K. Bhonsle: I did say that the question of rural as well as urban property was discussed, but no decision was arrived at.

Sardar Hukam Singh: May I know whether any legislation is being drafted, or is ready, for this purpose, as to how to utilise this property?

Shri J. K. Bhonsle: Yes, Sir.

Shri Gidwani: Are Government aware that the organisations of displaced persons all over the country have passed resolutions requesting Government to postpone recovery of instalments of State and R.F.A. loan and arrears of rents of the houses occupied by them till the question of compensation is decided and compensation paid?

Shri J. K. Bhonsle: It does not arise out of this question.

Shri Muniswamy: May I know, Sir, whether in valuing the properties left by the Muslims, Government take into consideration the value of mosques and other religious places.

Shri J. K. Bhonsle: They are not valued.

VERMICULITE BRICKS

*1261. **Sardar Hukam Singh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any vermiculite bricks were fabricated in India during 1952-53;

(b) if so, what quantity; and

(c) what amount of foreign exchange was utilised in this industry?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) to (c). Information is being collected and will be placed on the Table of the House in due course.

Sardar Hukam Singh: May I know, Sir, whether these bricks only are used for thermal installations or whether some other bricks are also used?

Shri T. T. Krishnamachari: I can only say that my knowledge in regard to this matter is limited. This material is used for various purposes such as insulation, sound-proofing, aggregate for plasters and concrete, pipe covering, foundry works, etc. The hon. Member has some knowledge of its use which, I am afraid, I do not possess, but we have asked for some information and I think it will take some time to receive it. As soon as I get the information, I will place it before the House.

Sardar Hukam Singh: We were making some fabric from mica waste. May I know whether this experiment has proved a success and whether it can be used?

Mr. Deputy-Speaker: The hon. Minister is gathering information, he said.

Shri T. T. Krishnamachari: I can only say that in regard to this experiment with mica, in the experimental stage it is found satisfactory, but I can't say what progress we have made

Shri C. R. Narasimhan: May I know, Sir, where this fabrication work is taking place in the country?

Shri T. T. Krishnamachari: I am trying to collect information in regard to this fabrication.

Dr. Lanka Sundaram: Not fabricate the information!

COMMUNITY DEVELOPMENT PROJECTS

*1262. **Shri B. K. Das:** Will the Minister of **Planning** be pleased to state:

(a) whether there is any difference in the organisational set-up, items of expenditure and technical assistance as between the composite and non-composite blocks so far sanctioned under the Community Development Projects; and

(b) if so, why?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) and (b). Attention is invited to pages 13—14 and 20—21 of the publication, "Community Projects—A Draft Outline".

Shri B. K. Das: May I know, Sir, what were the considerations that led to the formation of a particular type of block in a certain area?

Shri Hathi: The reasons are explained in the Draft Outline. These composite blocks are allotted to West Bengal only for the purpose of rehabilitating displaced persons.

Shri B. K. Das: Is there no composite block in any other part of the country?

Shri Hathi: No, Sir.

RAILS ALLOCATED TO SINGARENI COLLIERIES

*1263. **Shri Vittal Rao:** Will the Minister of **Production** be pleased to refer to reply to starred question No. 693 asked on the 11th March, 1953 and state:

(a) whether the balance of 600 tons of second-hand rails allocated to Singareni Collieries has since been despatched;

(b) if not, the reasons for the delay; and

(c) whether Government have been able to meet in full the indents for iron and steel placed by Singareni Collieries Company?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey): (a) Yes.

(b) Does not arise.

(c) Full demands of the colliery could not be met due to shortage of supplies. Singareni colliery has been allotted 1319 tons against 4914 tons indented from January 1952 to September 1953.

Shri Vittal Rao: May I know, Sir, whether Government are aware of the fact that the short supply of steel and iron is impeding the production in the collieries?

Shri R. G. Dube: No, Sir. Our information is that the situation is improving in the Singareni collieries.

MULTI-STOREYED GOVERNMENT OFFICE BUILDING, QUEEN VICTORIA ROAD

*1264. **Shri M. S. Gurupadaswamy:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the amount of the sanctioned estimate of the construction of multi-storeyed Central Government offices, Queen Victoria Road, New Delhi; and

(b) what is the commencement date and the stipulated time for completion of this work?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) Rs. 43 lakhs 61 thousand.

(b) The work on the framed structure was started on the 27th August 1952 and it was to have been completed by August 1953, but an extension of time has been applied for by the contractor and the application is under consideration. The rest of the construction will take a year after the framed structure is complete.

Shri M. S. Gurupadaswamy: May I know, Sir, whether tenders were called for before the contract was given to the present contractor?

Sardar Swaran Singh: Of course, tenders were called for and the work was allotted to the lowest tenderer.

Shri M. S. Gurupadaswamy: May I know, Sir, whether the present contractor has laid hands on certain P.W.D staff who were checking and supervising the work?

Mr. Deputy-Speaker: What do you mean by 'laid hands'?

Shri M. S. Gurupadaswamy: Whether the present contractor assaulted some of the P.W.D. supervisory staff?

Sardar Swaran Singh: That hardly arises out of this question. I can't have daily watch upon the activities of the contractor, unless there is a complaint, I can't know about it.

Shri K. K. Basu: May I know, Sir, what proportion of the framed structure has been constructed as yet and what are the reasons for the delay?

Sardar Swaran Singh: It is difficult to give the exact proportion in a mathematical form, but it is likely to take some time before the structure is completed and one of the factors which contributed to this delay was non-availability of the entire land upon which the building was proposed to be constructed. It was also found that when the foundations were dug up, there were torrents of sub-soil water and it took some time before that could be controlled.

Shri M. S. Gurupadaswamy: Is it a fact, Sir, that the work that has been

done by this contractor is sub-standard work and that bills are being passed though it is sub-standard work and it is not according to specifications?

Sardar Swaran Singh: I think not. It should be according to specifications and I have no reason to doubt it.

Shri N. M. Lingam: Were the estimates for the work revised at any stage after being sanctioned or is there any proposal to change them?

Sardar Swaran Singh: Not to my knowledge.

Shri H. N. Mukerjee: May I know, Sir, if Government is making sure that all the fittings and furniture in these buildings are as nearly as possible of Indian manufacture?

Mr. Deputy-Speaker: The buildings are not completed and nothing has happened.

Shri Jaipal Singh: Are these torrents of water from subterranean stream or what are they?

Sardar Swaran Singh: Sub-soil water may be of a stream or may be the normal water that is found.

KHADI

*1265. **Shri Jhulan Sinha:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the huge stock of khadi that had been accumulated with the producers has shown any appreciable sign of being cleared as a result of the subsidy of three annas in the rupee that has been granted on the sale of khadi for the last several months; and

(b) if so, whether there is a proposal to continue it till all available surplus is sold out and khadi industry is placed on a sound footing?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Yes.

(b) Yes, till the end of the current financial year, for the present.

Shri Jhulan Sinha: How far has the subsidy assisted the production of khadi in the country and has it given any impetus to khadi production? Could the hon. Minister give the figures of the total quantities sold and subsidy spent so far?

Shri T. T. Krishnamachari: I could only give the value of the subsidy available as Rs. 56 lakhs. The proposal has been accepted in principle. The Board have asked for Rs. 26 lakhs upto the end of September and this has been sanctioned. The remaining amount of subsidy will be sanctioned as and when required by the Board.

Shri Jhulan Sinha: May I know, Sir, if this subsidy grant has encouraged the sale of khadi and thereby released the stock or amount of capital held up in khadi?

Shri T. T. Krishnamachari: In regard to the first part of the question, I think it will help to reduce khadi stocks accumulated. I cannot give an answer in regard to the second part.

Shri Dabhi: May I know, Sir, whether it is a fact that the Delhi State Government has imposed a sale tax on khadi at the rate of 6 pies per rupee?

Shri T. T. Krishnamachari: I am not cognizant of this, but will make enquiries from the Delhi State Government.

Shri Radha Raman: May I know, Sir, whether there was a meeting recently held in Government House and some recommendations were made in order to push up the sale of khadi?

Shri T. T. Krishnamachari: It was not a formal meeting. There was only an informal meeting there in which the people who assembled there considered the prospects of Government encouraging the use of khadi by the purchase of khadi for some portion of Government requirements, but no decisions were arrived at.

Shri A. M. Thomas: The hon. Minister answered that there has been appreciation in the matter of khadi sale. May I know, Sir, to what extent it has increased as compared with the last one or two years?

Shri T. T. Krishnamachari: Here is a question of accumulation of stocks. I said that the position has been relieved. I cannot say anything more than that at present.

Short Notice Question and Answer

DEPORTATION OF INDIAN WIVES FROM SOUTH AFRICA

Shri M. S. Gurupadaswamy: Will the **Prime Minister** be pleased to state:

(a) whether Government are aware of the report published in "Times of India" on 2nd September, 1953 which states that 900 Indian-born wives and children of South Africa Indians who have reached Durban, are facing deportation;

(b) whether Government are aware that deposit is being taken for every woman and child landed in South Africa;

(c) whether any legislative measures are under the contemplation of Dr. Malan's Government for banning the Indian families from staying in South Africa; and

(d) what action the Government of India have taken in this matter?

The Prime Minister (Shri Jawaharlal Nehru): (a) to (d). Government have seen the press report in question. The position in regard to the proposed ban on the entry into South Africa of Indian women married to South African nationals of Indian origin and of their children has been explained in a statement which was laid on the Table of the House on the 6th August, 1953 in reply to Mr. K. P. Sinha's starred question No. 202.

The latest development in this matter is that the Government of the Union of South Africa have introduced in the South African Parliament on the 3rd September the Immigrants Regulation Amendment Bill which is at present under discussion. As far as can be judged from the reports which have been received by us so far, the effects of the Bill would be as follows...

I do not know, Sir, whether you would like me to read all these details or whether I should place this on the Table of the House.

Mr. Deputy-Speaker: Placing it on the Table of the House would be enough. All the provisions need not be read.

Shri Jawaharlal Nehru: Sir, I place it on the Table of the House. [*See* Appendix VI, annexure No. 19].

Shri M. S. Gurupadaswamy: What is the total amount of deposit taken so far?

Mr. Deputy-Speaker: What is the answer to part (b)?

Shri Jawaharlal Nehru: The answer is that protests are lodged. Whether they have any effect or not is another matter.

Shri M. S. Gurupadaswamy: What is the amount that is being collected from each family, and what is the total amount so far collected?

Shri Jawaharlal Nehru: I do not know, Sir. I could not say that. This Bill is under discussion at the present moment there.

Mr. Deputy-Speaker: In part (b) of the question the hon. Member has asked "whether Government are aware that deposit is being taken for every woman and child landed in South Africa?" The hon. Member evidently wants to know what has been so far collected.

Shri Jawaharlal Nehru: I do not know, Sir.

Shri M. S. Gurupadaswamy: May I know whether there is any law existing now under which deposits are being collected, apart from the new Bill that is being introduced?

Mr. Deputy-Speaker: Is there any existing law under which this deposit can be demanded?

Shri Jawaharlal Nehru: I am not quite sure, Sir. Maybe by executive action they are doing it in view of the law that is being considered.

Mr. Deputy-Speaker: In anticipation.

Shri Damodara Menon: The hon. the Prime Minister stated that protests were lodged. May I know whether any reply has been received to these protests?

Shri Jawaharlal Nehru: No, Sir.

Shri Joachim Alva: Has our Government got an up-to-date record of the number of South Africans, both men and women, living in this country?

Shri Jawaharlal Nehru: No, Sir. But they are very few, I suppose; and in any event, our Government does not believe in vicarious punishment.

Shri M. S. Gurupadaswamy: May I know whether the Prime Minister is aware that certain families have already been deported?

Shri Jawaharlal Nehru: Yes, I believe they were, but I am not quite sure as to how many were.

WRITTEN ANSWERS TO QUESTIONS

General Motors (India) Ltd.

*1242. **Shri H. N. Mukerjee:** (a) Will the Minister of **Commerce and Industry** be pleased to state whether the attention of Government has been drawn to the retrenchment in the General Motors (India) Ltd., of 390 workers of its hourly-rated and 23 of its monthly-rated workmen on the plea that the retrenchment had become necessary due to the drastic reduction in the licences granted to the firm in 1952 of car and truck assembly materials?

(b) Do Government propose to take steps to see that these workmen as well as 91 other hourly-rated workmen, who are said to have been voluntarily retrenched are reinstated in view of the recent announcement of the Government of India granting Assembly firms permission to continue assemblage for the next three years?

(c) Has any compensation been paid to these retrenched employees?

(d) If so, at what rate has it been paid?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Government are aware that some retrenchment has taken place in the General Motors (India) Ltd. It is a fact that no Licences for the import of automobiles were issued in the second half of 1952.

(b) It is expected that the General Motors (India) will close down their operations by the middle of 1954. Obviously, it will not be possible to take steps to get the retrenched workmen reinstated in that factory.

(c) and (d). It is understood that compensation has been paid to the retrenched employees in accordance with the Labour Tribunal Awards.

U.N. Korea Reconstruction Agency

*1250. **Shri S. N. Das:** Will the **Prime Minister** be pleased to state:

(a) whether any amount has been given so far by Government to the U.N. Korea Reconstruction Agency;

(b) if so, how much;

(c) whether any request to contribute to this Fund for relief and rehabilitation of the Korean people was received; and

(d) if so, what was the response from the Government of India?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). Though no cash contribution has been made gifts of medical supplies worth Rs. 16,115-4-0 and four lakhs jute bags for transport

of rice from Thailand to Korea were given by India in 1950.

(c) and (d). Yes, Government have been approached from time to time for contributions but, in view of their own enormous economic problems, they have not been able to offer any further assistance to the U. N. Korea Reconstruction Agency.

ELECTRIC LIGHT TO GOVERNMENT BUILDINGS

*1251. **Shri S. N. Das:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether the proposal to supply electric light to all categories of Government buildings has been finalised;

(b) the present number of Government buildings which are equipped for electric light supply but do not get the supply;

(c) the number of Government buildings which are not equipped for electric light; and

(d) what will be the total cost involved if all the buildings are equipped for electric light supply?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): I assume that the hon. Member is referring to buildings in Delhi. In that case I would answer:

(a) Yes, Sir.

(b) None.

(c) About 12,000;

(d) About 30 lakhs.

MANAS RIVER PROJECT

*1266. **Shri Brohmo-Choudhury:** Will the Minister of **Planning** be pleased to state:

(a) what is the result of the survey of the Manas River Project in Assam; and

(b) the amount that has been spent for the survey of the Project up-to-date and what will be the total cost of construction of the same?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) The surveys have not yet been completed.

(b) The amount spent up to the end of July, 1953 is Rs. 4,34,800. The cost of construction of the Project can be estimated only after the investigations have been completed and the necessary designs and estimates prepared

FILM RECORDIN GOF GODAVARI FLOODS

*1267. **Shri Raghuramaiah:** Will the Minister of **Information and Broadcasting** be pleased to state whether the recent Godavari floods and the extensive damage caused by those floods to houses, crops and other property have been recorded in the series "The Indian News Review" or "Documentary Films of India"?

The Minister of Information and Broadcasting (Dr. Keskar): Yes, Sir, in Indian News Review 255 released on 4th September 1953.

UNEMPLOYMENT

*1269. **Shri Vittal Rao:** (a) Will the Minister of **Planning** be pleased to state whether the examination of the proposals submitted to the Planning Commission by the Ministry of Labour providing for relief for involuntary unemployment has since been concluded?

(b) If so, what are its recommendations?

(c) Do Government propose to lay a copy of the proposals on the Table of the House?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) to (c). The proposals are still under consideration by the Ministry of Labour with the Planning Commission and other Ministries of the Government of India concerned.

SHEET-GLASS

*1270. **Shri H. N. Mukerjee**: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the production of sheet-glass in India since 1947-48;

(b) the reasons for the entire stoppage of production for four months as reported in the Commerce and Industry Ministry's "Statistics of Production" in October, 1952; and

(c) what is the amount and value of sheet-glass imported since 1947-48?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (c). A statement is laid on the Table of the House. [*See* Appendix VI, annexure No. 20.]

(b) The factories were reported to have suspended production owing to accumulation of stocks.

INDIAN SOAP AND TOILETRIES MAKERS' ASSOCIATION

642. **Shri N. B. Chowdhury**: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the attention of Government has been drawn to the propaganda by the Indian Soap and Toiletries Makers' Association that they have to struggle for survival against unequal competition by foreign interests; and

(b) if so, what steps Government have taken to safeguard the interests of the indigenous soap industry?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Yes, Sir.

(b) As the Hon. member has characterised the move of the association as propaganda, there is obviously nothing that Government can do in the matter.

COAL PURCHASED BY SINDRI FERTILISER FACTORY

643. **Shri Nageshwar Prasad Sinha**: (a) Will the Minister of **Production** be pleased to state the quantity of coal purchased by Sindri Fertiliser Factory in 1951, 1952 and up to July 1953?

(b) What qualities of coal have been purchased in those years?

(c) What price per ton has been paid for each kind of coal?

(d) Have the Sindri Fertilisers got their own collieries?

(e) What is the system of making purchases and whether tenders are invited?

(f) Which of the collieries have been supplying coal?

The Minister of Production (Shri K. C. Reddy): (a) 1951 ... 80,410 tons

1952 ... 213,400 tons

Up to July '53 198,377 tons

(b) Grade II quality.

(c) Rs. 12/15/- per ton according to the Colliery Control Order.

(d) No.

(e) Quantity tenders for supply for 12 months were invited in October 1952 from Collieries served by Pathardihi Weighbridge. To enable the smaller collieries to tender, option to form groups consisting of not more than three collieries in each group was given and quantities were allocated to such groups on the basis of the performance and capacity of the collieries in the groups.

(f) Supplies are being received from 37 collieries in seventeen groups within a radius of 20 miles from Sindri.

INDIAN GOVERNMENT RAILWAY COLLIERIES AT GIRIDIH

644. **Shri Nageshwar Prasad Sinha**: (a) Will the Minister of **Production** be pleased to state whether it is a fact that the Railway Enquiry Committee had recommended that certain seams in Serampur and Karharbari groups of the Indian Government Railway Collieries at Giridih, including Khandiha Seam, be quarried to the extent of 6,000 tons per month to utilise the Grade III B Coal for local sale and domestic purposes of the labour?

(b) If so, have Government accepted the recommendations?

(c) Has quarry cutting been started in pursuance thereof in any of the above-mentioned sections?

(d) Is it a fact that about 3,000 tons of this type of coal is proposed to be sold locally per month through distributing agents?

The Minister of Production (Shri K. C. Reddy): (a) Yes, but these recommendations were made in respect of the Khandia Seam only.

(b) Yes. On a re-examination of the technical possibilities of working the Khandia Seam, it was decided to work the coal by incline rather than by quarry.

(c) About 3,000 tons of coal are being raised per month through incline and it has been arranged to raise the output to 6,000 tons per month in the near future.

(d) Yes. Out of the total proposed raising of 8,000 tons the Government are trying to find a market locally for as much quantity as possible after meeting Government demands.

GIRIDIH COLLIERIES

645. Shri Nageshwar Prasad Sinha: (a) Will the Minister of Production be pleased to state whether works in Jatkhuti Hills of the Karharbari Section of Giridih Collieries have been started?

(b) If so, when and what is the progress?

(c) If not, what is the reason for the delay?

(d) How many surplus labourers of Giridih Collieries are likely to be absorbed in the new works?

The Minister of Production (Shri K. C. Reddy): (a) Work at Bhadua seam in Jatkuti hill area of Kurharbaree section has not yet been started.

(b) Does not arise.

(c) The delay is due to the fact that the rate at the new mine is Re. 1/-/9 including Dearness Allowance as per C.B. Award for a tub of 20 cft., whereas the existing rate at Giridih colliery is Rs. 1/9/- per tub of same capacity on account of difficult working conditions in old mines. Notices were put up calling for volunteers from surplus workers at the Giridih Collieries to work at the new mine at the revised rate. Only 50 men volunteered and formal approval of the Chief Mining Engineer, Railway Board, for their appointment was accorded on 22nd August 1953. The new mine is expected to be started very shortly.

(d) The 50 men, who have volunteered to work at the new rate, will be absorbed immediately and more men will be taken as and when the mine is further developed and voluhteers come forward.

"INDIAN INSTITUTE" IN GIRIDIH COLLIERIES

646. Shri Nageshwar Prasad Sinha: (a) Will the Minister of Production be pleased to state whether there was an Institute at Baniadih in the Girdih group of the Government Collieries, known as Indian Institute?

(b) When was it built?

(c) Was that Institute provided with a library, an Auditorium and other facilities for physical and cultural recreation of the employees?

(d) Did Government pay any subsidy for its proper upkeep?

(e) If so, what was the amount annually granted?

(f) Is the Institute still in use by the employees and maintained for the purposes for which it was originally constructed?

(g) If not, how and for what purposes is it being used now and from when?

(h) Is the subsidy still being paid?

The Minister of Production (Shri K. C. Reddy): (a) Yes.

(b) In 1923 approximately.

(c) Yes.

(d) No. Until the Giridih Collieries were taken over by State Railways, an annual grant was, however, given from the E.I.R. Staff Benefit Fund for the upkeep of the Institute.

(e) Does not arise.

(f) The Institute except the auditorium is still in use by the employees.

(g) The auditorium has been in use as the Colliery Grainshop since 1944.

(h) Does not arise, in view of the answer to (d).

SARDARNAGAR TOWNSHIP

647. Shri H. N. Mukerjee: Will the Minister of **Rehabilitation** be pleased to state whether any steps have been taken regarding the representation of grievances sent to Government some time back by the 1200 displaced tenement-dwellers of Sardarnagar township near Ahmedabad?

The Minister of Rehabilitation (Shri A. P. Jain): The representation was forwarded to the Government of Bombay who have replied that the grievances of D.Ps. at Sardarnagar are not justified. The real problem is the payment of instalments which were fixed in consultation with the allottees in 1951 and which have fallen in heavy arrears amounting to Rs. 9:7 lacs. The present agitation is only to side-track this issue, otherwise all possible rehabilitation facilities have been given to D. Ps. at Sardarnagar.

अपहृत स्त्रियां

९४८. **श्री रघुनाथ सिंह :** क्या प्रधान मंत्री यह बतलाने की कृपा करेंगे :

(क) आज तक कितनी अपहृत स्त्रियां भारत से पाकिस्तान वापस की गई और कितनी पाकिस्तान से भारत वापस आई ;

(ख) पाकिस्तान को भेजी गई कितनी स्त्रियां अपहरण के समय अविवाहित थीं और भेजने के समय विवाहित थीं ;

(ग) इस प्रकार की कितनी स्त्रियों के अपहरण के बाद बच्चे हो चुके थे ; और

(घ) क्या १९४७ और १९५३ के बीच इस प्रकार उत्पन्न हुए बच्चे अपनी माताओं के साथ पाकिस्तान भेज दिये गये या भारत में अपने पिताओं के पास छोड़ दिय गये ?

The Prime Minister (Shri Jawaharlal Nehru): (a) 18,356 recovered abducted persons have been sent to Pakistan up to the 31st July, 1953. During the same period 6,616 were returned to India by Pakistan.

(b) and (c). Separate figures have not been maintained.

(d) Under the Abducted Persons (Recovery and Restoration) Act of 1949 as amended from time to time, an 'abducted person' includes a child born of an abducted woman during the period of her abduction. The mother is given the first choice for possession of the child. If she deserts the child, it is restored to the father in India or if unclaimed it is to be brought up at State expense in the Children's National Institute, Swaraj Bhavan, Allahabad.

COMMUNITY DEVELOPMENT BLOCKS FOR ANDHRA

649. Shri Rajagopala Rao: (a) Will the Minister of **Planning** be pleased to state as to how many Community Development Blocks have been allotted for Andhra State?

(b) How will the selection and location of the blocks be made?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Two.

(b) Selection and location of the Blocks will be made on the basis of proposals to be submitted by the new Andhra Government.

तारकोल

६५०. **श्री जांगड़े** : क्या वाणिज्य तथा उद्योग मंत्री यह बतलाने की कृपा करेंगे:

(क) भारत में कितना तारकोल तैयार किया जाता है ;

(ख) यह किन स्थानों में तैयार किया जाता है ;

(ग) भारत सरकार ने १९५१, १९५२ और १९५३ में कितना तारकोल आयात किया ;

(घ) यह किन किन देशों से आयात किया गया और इस का क्या मूल्य दिया गया ; और

(ङ) क्या भारत के कारखानों में तारकोल कृत्रिम तारीकों से तैयार किया जाता है, यदि नहीं, तो क्या इस सम्बन्ध में परीक्षण किये गये हैं ?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) The following quantities of coal tar were produced in India in 1951, 1952 and 1953 (January to June):—

Year	Quantity (in tons)
1951	90,777
1952	93,926
1953 (January-June)	46,431

(b) A statement is attached showing the names of the factories producing coal-tar and their location. [*See* Appendix VI, annexure No. 21.]

(c) Nil.

(d) Does not arise.

(e) No, Sir. Coal-tar is not a synthesised product. It is obtained as a by-product in the carbonisation of coal.

फालतू वस्तुओं का उत्सर्जन

६५१. **श्री जांगड़े** : क्या निर्माण, गृह-व्यवस्था तथा रसद मंत्री यह बतलाने की कृपा करेंगे :

(क) किन किन विभिन्न वस्तुओं को युद्ध की उत्सर्जन में सम्मलित किया गया है ;

(ख) इन वस्तुओं के विक्रय से क्रमशः १९४७ से १९५२ तक कितनी राशि प्राप्ति हुई ;

(ग) संघ तथा विभिन्न राज्य सरकारों ने कितने की वस्तुएं खरीदीं ;

(घ) क्या यह सत्य है कि उत्सर्जन की वस्तुओं के इतने बड़े बड़े ढ़ेर नीलाम किये गये कि सामान्य जन उन्हें नहीं खरीद सकते थे और केवल कुछ धनियों ने ही उन्हें खरीदा :

(ङ) क्या यह सत्य है कि ये वस्तुएं उन के बाजार भाव के आठवें या दसवें हिस्से से भी कम मूल्यों में नीलाम की गई थीं ; और

(च) क्या किन्हीं सम्बद्ध पदाधिकारियों पर बोली देने वालों के साथ मिल कर जान बूझ कर कम मूल्य पर वस्तुओं को बेचने के लिये भ्रष्टाचार और घूंसखोरी का आरोप लगाया गया है ?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) A statement showing the broad categories of various war surpluses is laid on the Table. [*See* Appendix VI, annexure No. 22.]

(b) The final figures of sale proceeds for the period 1947-52 are being worked out.

(c) Rs. 18.34 crores.

(d) The procedure adopted in the disposal of surpluses and the quantities

in which they should be offered for sale are determined by the nature of the goods and all the other attendant circumstances. The main consideration is the realisation of the maximum sale price. Sales by auction are generally confined to small lots and a reserve price fixed before hand.

(e) It is the declared policy of the Government to realise the maximum prices for surplus stores when sold to the public.

(f) One such case came to light and the matter was investigated. The officer concerned was censured and ultimately retrenched.

BEE-KEEPING

652. Shri Heda: Will the Minister of **Planning** be pleased to state:

(a) in how many centres of Community Projects the cottage industry of bee-keeping is being carried;

(b) their names State-wise;

(c) the achievements of these centres; and

(d) whether Government have any arrangements to make adequate supplies of bee-hives and bee-colonies for those who are desirous to obtain?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) to (d). Information has been called for from the State Governments and will be placed on the Table when received.

BETEL-NUTS

653. Dr. M. M. Das: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the port-wise break up of the total import of betel-nuts among the different ports of India in figures denoting percentages of the total import;

(b) how the percentage of the total import to the Calcutta port for the current term, compares with those of previous three terms as in percentage figures; and

(c) the total number of firms to whom licences have been issued for import of betel-nuts for the current term?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Percentage of value of total imports during* January-June 1953.

Calcutta	48.6
Bombay	30.2
Madras	21.2

(b) Percentage of value of imports at Calcutta to total imports.

July-Dec. 1951	52.4
Jan.-June 1952	50.6
July-Dec. 1952	47.7
*Jan.-June 1953	48.6

(c) 1470 (Jan.-June 1953 period).

JOURNAL OF INDUSTRY AND TRADE

654. Shri S. C. Samanta: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of copies of "The Journal of Industry and Trade" that are printed and published per month;

(b) how many of them are distributed free and how many are sold;

(c) the cost of printing and publication;

(d) the amount realised from advertisements and sales of the Journal;

(e) whether the Hindi edition of the Journal will be regularly published;

(f) if so, how it has been priced;

(g) whether any extra staff has been engaged for preparing the Hindi edition; and

(h) if so, what is the cost of the publication of the Hindi edition and the establishment for its preparation?

*Figures are not yet available for July-December, 1953 period.

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) 2,900.

(b) There are seven hundred subscribers; the rest of the copies are distributed among the Chambers of Commerce and Members of Parliament in India and to foreign markets through Government of India Trade Representatives abroad.

(c) Printing	Rs.	15,000/-
Publications including paper	Rs.	15,000/-
Total	Rs.	30,000/-
(d) From advertisement	Rs.	3,000/-
From subscribers	Rs.	8,400/-
Total	Rs.	11,400/-

(e) Yes.

(f) Subscription Rs. 6 per annum; single copy annas eight.

(g) Yes.

(h) About Rs. 24,000.

COMMUNITY PROJECTS AND DEVELOPMENT BLOCKS

655. Shri S. C. Samanta: Will the Minister of **Planning** be pleased to state:

(a) the names and number of Community Projects and Development Blocks started up-to-date;

(b) how many are to be started in the near future;

(c) whether sufficient number of persons have been trained to run these organisations; and

(d) the amount allotted separately to the State of West Bengal up-to-date for those organisations?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) A statement is placed on the Table. [*See* Appendix VI, annexure No. 23.]

(b) 55 Development Blocks from 2nd October, 1953.

(c) Trained personnel are working on projects and Development Blocks already started; some are under training and others will be trained for working in the blocks to be taken up from 2nd October 1953.

(d) Rs. 330.703 lakhs for the eight Blocks already started. Budget estimates are awaited in respect of three Blocks to be taken up from 2nd October, 1953.

ROCK SALT

656. Shri Ram Dass: Will the Minister of **Production** be pleased to state:

(a) the names of the States in which rock salt mines are found;

(b) which of these mines are being worked at present; and

(c) what is their annual production?

The Minister of Production (Shri K. C. Reddy): (a) Rock salt deposits are found in the Mandi District, Himachal Pradesh.

(b) At present those at Guma and Drang are being worked.

(c) The annual production is a little over 1½ lakh maunds.

STATIONERY STORES

657. Shri K. C. Sodhia: (a) Will the Minister of **Works, Housing and Supply** be pleased to state the total value of paper and other stores purchased in (i) India and (ii) abroad for stationery purposes during 1952-53?

(b) What were the chief items purchased abroad?

(c) How do these purchases compare in value with those of 1951-52.

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) The total value during 1952-53 is approximately as follows:—

(i)	Paper	Rs. 5,00,00,000
	Other Stores	Rs. 47,60,000
(ii)	Paper	Rs. 4,62,000
	Other Stores	Rs. 11,81,000

(b) Drawing papers and other special kinds of papers, drawing materials, binding materials, and miscellaneous articles are not manufactured in India.

(c) Expenditure incurred during 1951-52 was approximately as follows:—

(i)	Paper	Rs. 4,50,00,000
	Other Stores	Rs. 37,25,000
(ii)	Paper	Rs. 1,50,000
	Other Stores	Rs. 81,000

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HOUSE OF THE PEOPLE

Monday, 14th September, 1953

The House met at a Quarter Past Eight of the Clock

[MR. DEPUTY-SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*See Part I*)

9-20 A.M.

PAPERS LAID ON THE TABLE

APPROPRIATION ACCOUNTS (POSTS & TELEGRAPHS) AND THE AUDIT REPORT

The Minister of Finance (Shri C. D. Deshmukh): Sir, I beg to lay on the Table a copy of the Appropriation Accounts (Posts and Telegraphs) 1950-51 and the Audit Report 1952, under Article 151(1) of the Constitution. [*Placed in Library. See No.* IV.O.1(48)].

REPORTS OF TARIFF COMMISSION ON CONTINUANCE OF PROTECTION TO WOOD SCREW INDUSTRY AND TO PLYWOOD AND TEACHEST INDUSTRY

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): Sir, I beg to lay on the Table a copy of each of the following papers under sub-section (2) of section 16 of the Tariff Commission Act, 1951:—

(i) Report of the Tariff Commission on the continuance of protection to the Wood Screw Industry, 1953.

(ii) Ministry of Commerce and Industry Resolution No. 35(1)-T.B./53, dated the 22nd August, 1953.

(iii) Ministry of Commerce and Industry Notification No. 35(1)-T.B./53, dated the 22nd August, 1953.

(iv) Statement explaining the reasons why a copy each of the papers referred to at (i) to (iii) above could not be laid within the prescribed period. [*Placed in Library. See* No. IV.R. 103 (3)].

(v) Report of the Tariff Commission on the continuance of protection or assistance to the Plywood and Teachest Industry.

(vi) Ministry of Commerce and Industry Resolution No. 28(2)-T.B./53, dated the 29th August, 1953.

(vii) Statement explaining the reasons why a copy each of the papers referred to at (v) and (vi) above could not be laid within the prescribed period. [*Placed in Library. See* No. IV.R. 138(3)].

ELECTION TO COMMITTEE

COUNCIL OF INDIAN INSTITUTE OF SCIENCE, BANGALORE

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Sir, I beg, on behalf of Shri K. D. Malaviya, to move the following:

"That this House do proceed to elect, in such manner as the Speaker may direct, one member to serve on the Council of the Indian Institute of Science, Bangalore, for the unexpired period of the triennium 1951-53

[Shri Satya Narayan Sinha]

(both years inclusive) in place of late Pandit Lakshmi Kanta Maitra in pursuance of the provisions of clause 14(ii) of the Revised Scheme for the Administration and Management of the Properties and Funds of the said Institute and under Regulation 2.5 of the Regulations of the Institute."

Mr. Deputy-Speaker: The question is:

"That this House do proceed to elect, in such manner as the Speaker may direct, one member to serve on the Council of the Indian Institute of Science, Bangalore, for the unexpired period of the triennium 1951-53 (both years inclusive) in place of late Pandit Lakshmi Kanta Maitra in pursuance of the provisions of clause 14(ii) of the Revised Scheme for the Administration and Management of the Properties and Funds of the said Institute and under Regulation 2.5 of the Regulations of the Institute."

The motion was adopted.

Mr. Deputy-Speaker: I have to inform the House that for the purpose of election by means of single transferable vote of one member to the Council of the Indian Institute of Science, Bangalore, in place of late Pandit Lakshmi Kanta Maitra, the programme of dates will be as follows:—

(1) Nomination to be filed in the Parliamentary Notice Office upto 12 Noon on Tuesday, the 15th September, 1953.

(2) Withdrawal of candidatures will be received in the Parliamentary Notice Office upto 12 Noon on Wednesday, the 16th September, 1953.

(3) Election, if necessary, will be held on Friday, the 18th September, 1953 in Committee Room No. 62, First Floor, Parliament House, between the hours 10-30 A.M. and 1 P.M.

INDIAN TARIFF (SECOND AMENDMENT) BILL

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Tariff Act, 1934.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1934."

The motion was adopted.

Shri T. T. Krishnamachari: I introduce* the Bill.

ESTATE DUTY BILL—*Contd.*

Clause 80.—(*Company to furnish etc.*)

Mr. Deputy-Speaker: The House will now proceed with the further consideration of the Bill to provide for the levy and collection of an estate duty, as reported by the Select Committee.

Clause 61 was held over and clause 80 was under discussion. Shall I take up clause 61 now or come back to it afterwards?

The Minister of Finance (Shri C. D. Deshmukh): Mr. Chatterjee ought to be here.

Mr. Deputy-Speaker: We will proceed with clause 80.

Shri K. K. Basu (Diamond Harbour): The other day when we were discussing clause 80 and the amendment moved by the Finance Minister to substitute certain provisions for sub-clause (2) thereof, Sir, a constitutional point of order was raised. It was stated that this particular subclause will offend against article 19(1)(f) of the Constitution.

Shri A. M. Thomas (Ernakulam): Government has answered that it does not offend the article of the Constitution.

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*Introduced with the recommendation of the President.

Shri K. K. Basu: If you read article 19(1)(f) along with clause (5) of article 19, wherein the words "public interest" are used, the sub-clause as it is drafted does not in any way qualify the words "to acquire, hold and dispose of property". You know, Sir, that even under section 34 of the Companies Act, there is a discretion vested in the Board of Directors not to register the transfer of a particular share. It has been held by the Courts that if the Board of Directors acts *mala fide*, the onus is on the person challenging to prove the *mala fides* of the Board. Normally speaking, the Court will accept the decision if the Board refuses, the presumption is that it acted *bona fide*. What the sub-section wants is this. It does not say that such a transfer will not be considered legal. It only says that if such a transfer is to registered in the books of the company, the company must be satisfied as to two things: whether the transfer is *bona fide* and/or for valuable consideration and if the company has knowledge that the person in whose name the shares originally stood is dead, whether the estate duty payable on this particular share has been paid. I personally feel that there is no substance in the proposition that it is *ultra vires* of the Constitution. Because the sub-section does not say that the transfer should not be registered. It only says that the company must be satisfied that the transfer is for valuable consideration before the names of the transferee is put in the register. If the principal officer of the company has knowledge that the person in whose name the share stood originally is dead, the company must be satisfied that so far as the liability to estate duty on the particular share is concerned, it has been either exempted by the Controller or paid. It is only a duty cast on the company and it has nothing to do with the rights of the transferee.

Mr. Deputy-Speaker: Order, order. Let there be less talk in the House.

Shri K. K. Basu: We know, Sir, sometimes this property devolves by survivorship, and in the case of survivorship, letters of representation are not necessary. In some cases it has been held and if there is also a specific provision that the company may demand letters of representation to be obtained. The only thing that this sub-section seeks to impose is that the company must be satisfied that the transfer is for valuable consideration.

Mr. Deputy-Speaker: Order, order. Mr. Heda is standing there. I do not want to interfere in the proceedings thus. I have repeatedly warned hon. Members.

Shri K. K. Basu: It has been pointed out that shares are goods and if the money is paid and delivery made, the title is complete and there is nothing more to be gone into. Sir, it is quite different from the sale of movable property. In the case of movable property, delivery is the most important criterion. Here, we know that apart from delivery, the transfer form has to be signed. Therefore, there is nothing wrong if the Government makes such a provision whereby the company should be so alert as to know in whose name the share originally stood and the manner in which the share is now proposed to be transferred. I know there may be some difficulty in the Stock exchange because of the system of blank transfers. This point was discussed at length in the recent enquiry on Company law and there was a large volume of opinion who opined whether a time limit should not be put for registration so far as blank transfers are concerned. A large section of people, specially, I am told the investors suggested that blank transfers should not be allowed to go on in the same way as they do today. Of course, I do not remember what exact recommendation has been made on this question. But, so far as I remember, there was a talk that this blank transfer system should, to some extent, be restricted. Therefore, I feel that the amendment that has been proposed will in no way offend article 19(1)(f).

Mr. Deputy-Speaker: Order, order, please. I would like to tell the hon. Members that even the smallest noise is caught by these long microphones. I have four microphones on every side here attached to my seat. I am unable to hear anything. These microphones are intended to enable me to hear even the smallest voice in the House. Therefore, I appeal to the entire House. I thought I could introduce a threat. Threat is useless. So, I am appealing to every hon. Member here kindly to bear with me and if they do not want to hear any hon. Member, they may gently go to the lobby and talk or take coffee that is available there. More than this I cannot say. If, still, in spite of all my efforts to control the House, it is not possible, I will name some hon. Member and make it an object lesson for others to see. I will have to do so. I am really very sorry to make this remark. But, it is unavoidable. I am not able to get along even for a minute. I am unable to see how to control the House and get along with the business. That is my difficulty.

Shri K. K. Basu: The other point that was raised is this: if you read item 87 of List I in the Seventh Schedule along with article 366, the definition article, it may be construed that we are going to levy a tax on property that does not pass on death. I only submit that if we try to give a reasonable interpretation, it could be interpreted otherwise. We do not say that such properties should be taxed. The duty that is cast on that particular company is that it must be satisfied as to the manner in which the transfer was taking place. If it is for valuable consideration, the transfer is accepted or if, the principal officer of the company has knowledge that the original shareholder is dead, he may ask whether he has obtained the certificate from the Controller that the duty has been exempted or paid. Therefore, I feel that this clause as it has been drafted will not in any way offend the articles of the Constitution.

As a matter of fact, the clause as it has been re-amended by the Finance Minister is an improvement so far as the question of negotiability of the share scrips are concerned. But, I would rather suggest that the original provision was better. Here the only duty cast upon the officer of the company is, if he has knowledge of death, to enquire whether the transfer is for valuable consideration and whether he has obtained the required certificate from the relevant authority. But, I feel that in the peculiar context of our country, wherein, as we know, the shares in a large number of concerns are largely in the hands of persons who are not Indians and have stayed out of this land for long, it will be very difficult to get hold of these persons' assets that may be invested in Indian companies. We know that, in our country, this system of blank transfer has been in vogue for quite a number of years and it is therefore very difficult, unless the Government keeps in touch with all the transfers that might take place and possibly deaths in our country and outside, to catch hold of such investors. When a person is ailing, he may sign a blank transfer form and immediately on death some transaction may be entered into, happening in a period before death. However, I do not know if at this late stage the Government will stick to their old position, but I do feel that a special effort should be made in the interest of getting the estate duty on those properties and assets which belong to persons who do not belong to our soil. It is absolutely necessary that such a provision should be there, and Government should see that the officers of the companies are vigilant to know whether the shareholders are dead or alive. In this connection, the Government might, if necessary, amend the new Company Act providing for the particular type of instrument to be executed and seeing to it that the estate duty on such properties does not escape. Therefore, I feel this particular clause should remain as amended by the Finance Minister as it will satisfy to a great extent the objection that the original

position would have very adversely affected the negotiability and transferability of shares etc. I also submit that this particular clause as amended will not conflict with the articles of the Constitution, and it should be accepted by the House.

Pandit Thakur Das Bhargava (Gurgaon): An objection has been raised that these amendments are opposed to article 19(1) of the Constitution and the incidental proviso that is there. I am as anxious as anybody else that when the Estate Duty Act is applicable to any person, speedy realisation of the tax should be possible. But, at the same time, we are now concerned not with those persons only in respect of whose estates this duty will be applicable. This is a very general restriction which is sought to be placed upon every person. Whenever a transfer deed is placed before a Company, it will be the duty of the Company to scrutinise it or to make it a condition that unless and until the certificate is obtained, the transfer will not be made.

Now, reference has been made to article 19 which says that the right to acquire, hold and dispose of property is a fundamental right, to which an exception has also been made in article 19(5). Article 19(5) says:

> "....so far as it imposes,.... reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe".

You will be pleased to see that only the Scheduled Tribes are herein protected or the interests of the general public. Even the Scheduled Castes are not here. The Scheduled Tribes have been included herein because at the time of the making of the Constitution it was suspected that there were persons who would like to go into the protected areas of these Scheduled Tribes and buy property there. So, in the interests of those tribes, restrictions have been placed that no persons will be able to acquire any land in the particular districts of Assam etc., or that they will not be allowed to dispose of their property to those other than the members of the Tribes. But, so far as the general public is concerned—the words are "interests of the general public"—the question arises: "What is the interest of the general public?" I can understand "interest of the public" or "public interest". The expression "public interest" is usually used by the authorities; whenever they do not want to give any information to the public, they say it is in the public interest not to divulge. If they want to give, then they say that it is in the interest of the public to give it. Therefore, "public interest" is a misleading expression, meaning anything the Government likes.

Here, the words are "in the interests of the general public". In some places, the expression "in the interests of the public" is also used, but here we are concerned with "the interests of the general public". "Public" is to be distinguished from the "general public". A portion of the public is public according to the definition given in the Indian Penal Code. A portion of the public may be called public, but here the words are "general public". Now, "general public" must be something different from a portion of the public, because if that were not so there is no use in putting the words "any Scheduled Tribe". A Scheduled Tribe alone will not constitute the "general public". "General public" is something much more than any particular Tribe or any particular portion of the public. I am inclined to think that so far as the question of State is concerned, the State does not include the "general public", or the interests of the general public. "General public" means the totality of the people generally speaking, and therefore, unless and until the restriction is in the interests of the general public and not a sectional interest or the State interest, no restriction can be

[Pandit Thakur Das Bhargava]

put. It is a very serious matter while a fundamental right is being infringed by the imposition of a restriction like this.

Mr. Deputy-Speaker: Is the State not representative of the public?

Pandit Thakur Das Bhargava: It may be representative of the public, but it is not the public. The words are "in the interests of the general public", not even "in the interests of the public". When we used these words, we had something in our mind. I remember that so far as the question of the Punjab Alienation of Land Act was concerned, we thought that these words should be retained. Otherwise the word "public" could have been there. So, "public" is to be differentiated from "general public".

Now, may I humbly ask the Finance Minister one question? A poor man has got nothing to do with estate duty, and perhaps 80 to 90 per cent. of the people have got nothing to do with estate duty. They will never be taxed. If a poor man living in a far off part of the country has got a share or two and he wants to sell them, or a poor man wants to acquire a share or two, why should any sort of restriction be placed in this way in regard to 80 or 90 per cent. of the public?

Mr. Deputy-Speaker: If there is any provision to avoid fraudulent transfers, is it an interference?

Pandit Thakur Das Bhargava: So far as the question of such transfers as are not for value received is concerned, there is a provision in Section 34 of the Indian Companies Act which we all know. The Company, by virtue of its Articles of Association, as well as otherwise under the provisions of the law, is fully protected. The Company can insist that such and such evidence should be produced before it and then only it will register the transfer. So far as the restriction on transfers is concerned, it is not an absolute right of a person to get it transferred. He cannot say: "My share should be transferred and it will be automatically transferred." The Company has been invested with certain powers by virtue of which it can insist on proof being given before any transfer of shares is registered. Therefore, my humble suggestion is that even today the powers of the Company are sufficient, and I am inclined to think that if any person wants to avoid this payment of duty.....

Mr. Deputy-Speaker: Why should the Government be at the tender mercies of the Company?

Pandit Thakur Das Bhargava: The question is this: Why should the poor man be at the tender mercies of the Government and the Company?

Mr. Deputy-Speaker: It is not the poor man so much. Every man who takes property must know the laws by which he is governed.

Pandit Thakur Das Bhargava: So far as 90 per cent. of the people are concerned, they will not come under the mischief of the Estate Duty Bill. Now, you are putting an unreasonable restriction on the right to acquire or dispose of property of 90 per cent. of the people, because not only is there restriction on such shares as come within the mischief of the Estate Duty Act, but the disposal of all shares is tabooed.

Mr. Deputy-Speaker: Is not this argument something like saying, if a person wants to dispose of his property and evade his creditors....

Pandit Thakur Das Bhargava: I am not against the Government getting any power to deal with a person against whom these proceedings will be taken and who has to pay the estate duty. I do not want that his shares should be transferred with impunity and Government should not get its share. I am not against that. I want in the case of every person against whom Government have got a claim, Government should have the

right to see that that claim is satisfied before transfer is allowed. I am not against such a proposition. But this provision is too wide. In the case of every transfer of shares this restriction is being put. Even a person who has got nothing to do with estate duty will be asked to obtain a certificate and then only will the company transfer the shares. It is a clear restriction upon the right to acquire and dispose of property.

Mr. Deputy-Speaker: The hon. Member evidently feels the moment somebody dies, whether his estate is liable to estate duty or not, the whole procedure of sale, transfer etc., comes to a standstill.

Pandit Thakur Das Bhargava: Exactly. That is exactly my submission.

Mr. Deputy-Speaker: Neither the hon. Member nor Mr. Trivedi has got any objection to imposing restrictions in so far as a particular estate is liable to duty.

Pandit Thakur Das Bhargava: No, Sir. Attempt at evasion may be stopped by any means. I am glad that such an evasion is not allowed.

Mr. Deputy-Speaker: That will be in the interest of the general public. Only against such persons who want to avoid duty, action may be taken.

Pandit Thakur Das Bhargava: So far as the general public is concerned, 90 per cent. of the people have nothing to do with the Estate Duty Bill. So far as they are concerned, transfer of shares should not be restricted in this manner. When the hon. the Finance Minister replied to this part of the argument of Mr. Trivedi he was pleased to rely upon and treat it as a restriction and say that the words 'in the interest of general public' covered it and the State was justified in putting a restriction of this sort. It is to this argument, Sir, that I beg very humbly to take exception. According to me, Sir, the State will not be included in article '(19)(5)'.

I was submitting that so far as those persons who are liable to pay estate duty are concerned, if any restriction is imposed on the transfer of their shares, it may be right or wrong. I am not concerned with it. I will be very happy if such transfers can in any way be checkmated by the Government and they are not allowed to transfer, and the first charge—as we have already decided—should be this and Government can get it. I do not know how it will be done. I will ask the authorities to find out some means. For instance, when the company comes to know that a certain shareholder has died and they also come to know that some proceedings are being taken and incidentally or otherwise it is known that here is a person who is liable to pay estate duty, in that contingency any proper precautions may be taken and any embargo may be put on the transfer of shares. I can understand that. But for the speedy realisation, you go out of your way and make other persons liable to certain restrictions which are very grave restrictions, not from his standpoint alone but from the standpoint of trade and commerce also. Now, transfer of shares takes place in their thousands. Blank papers are signed and they are transferred. My submission is that we will also be really interfering with the even tenor of trade. Then, what about joint shares? A person, his wife and two or three brothers—one rich and one not rich—may have got joint shares. What will happen? What will happen to the shares of those who are joined with those of the deceased who have done nothing wrong? The buyer of the shares of that person has committed no fault. Why should the joint shares be held up? Here that person and the deceased are in the same boat. So far as the share of the deceased is concerned, how can there be an embargo? Moreover, from the point of view of the buyer, the buyer when he buys does so in good faith and pays a valuable consideration. How can he possibly think that he will die in such a time and the shares will not be transferred? Looking at it from that

[Pandit Thakur Das Bhargava]

standpoint, if the shares are held up for a long time, he loses money on the one hand and the shares are not transferred on the other. Therefore, the poor man, an innocent man who has done nothing, who may have nothing to do with the Estate Duty Bill will also be put to some trouble. Considering it from that standpoint and from the larger standpoint, I humbly submit that restrictions may be put which are fair, which can be related to the speedy realisation of your tax, but such restrictions may not be put upon the public in general, upon every shareholder that he is unable to acquire any shares or to sell any shares. From the constitutional point of view, from the general point of view and from the point of view of trade and commerce, these are restrictions which are not justifiable.

Shri S. S. More (Sholapur): Sir, to the original clause the Finance Minister has been pleased to move an amendment, No. 592. But I find it difficult to understand clearly the meaning of this amendment, Sir, it says:

> "If any member of a company formed and registered under the Indian Companies Act, 1913 (VII of 1913) dies after the commencement of this Act and the company through any of its principal officers as defined in section 18, has knowledge of the death, it shall not be lawful for the company to register the transfer of any shares standing in the name of the deceased member unless there is produced before it a certificate from the Controller that either the estate duty in respect thereof has been paid or will be paid or none is due, as the case may be."

Sir, the doubts that I entertain on this are these. I am trying to interpret this particular amendment. Suppose a transfer is made by the deceased during his own lifetime. The shares will be standing in his name till the transfer is recognised and the register is amended in the name of the transferee. Or the transfer of the shares may be made by the legal representatives or the persons who come into the possession of this particular property. Suppose the deceased himself, within his lifetime, transferred the shares for whatever reason, for whatever consideration or not. He has sole control over his shares and was pleased to transfer them for whatever reason. Why should the Government place an embargo or a sort of ban on the registration?

Mr. Deputy-Speaker: As the hon. member is proceeding, I would like to clear up doubts one after the other. Does the non-registration of transfer in the books of the company stand in the way of further transfers?

Shri S. S. More: No, as far as I understand it.

Mr. Deputy-Speaker: So far as the legality of transfer is concerned, it can pass a number of hands before transfer is effected. That does not stand in the way of the property passing. It is only for the purpose of drawing dividends etc. that it applies. Unless the transfer is recognised, nobody will be able to draw by way of dividends etc.

Shri S. S. More: I am trying to understand the exact meaning. As far as the legal implications are concerned, they have to be discussed and I will come to them later on. But my question to the Finance Minister is: Does he mean to say that any transfer even made by the deceased during his lifetime—and subsequently he dies—would entitle the Government to issue a sort of ban on the company not to recognise the transfer? Or does his amendment mean that a transfer has to be made by the legal representatives? I am trying to understand, Sir. The only qualification is the transfer of the shares standing in the name of the deceased.

Mr. Deputy-Speaker: That applies to both. As the language stands, whether the deceased transfers the shares or the deceased's successor transfers them, the registry shall not be affected when once the officer of the company....

Shri K. K. Basu: If at that time he has knowledge that the person has died.

Mr. Deputy-Speaker: It may be that the deceased, fraudulently, to avoid the duty, may have also done so.

Shri S. S. More: It may come under section 9, another clause which we have passed.

Then, Sir, I want further to bring to the notice of the Finance Minister clause 72. It is said there that the estate duty shall be a first charge on the property of the deceased. Now, even accepting, for the sake of argument, that the deceased fraudulently transferred his shares during his lifetime with the sinister object of evading the duty, then whatever the condition of the passing of the title in the share, the first charge will be there. Not only that. Any private transfer or delivery of such property shall be void. So it means, that this clause 72 gives sufficient protection, even if the company is permitted to recognise the transfer and to register it in their record. As a matter of fact, this clause 72 will pursue the person even in spite of the entry in the books of account.

Sir, the Government have every right to stop registration or recognition of such a transfer. But the point is, whether such a ban on the company will not affect the circulation of the shares and the negotiability and result possibly in slumping of the price. That will affect our trade and industry. We are trying to build up our industries by so many companies even in the private sector and if this private sector is not given some reasonable freedom, subject to the rigorous control by the Government to transfer the shares in the names of different persons, this ban will operate as a sort of clog on the transferability of the shares and it may result in depressing the value of the share. That is my fear.

I believe that in view of clause 72 the enacting of such a clause is absolutely unnecessary. This instrument need not be in the armoury of Government because under clause 72 they can deem the whole transfer void; even if the Company registers, there may be some private complications between the transferor and the transferee. Supposing under this clause a share is transferred and the transfer becomes void, the transferee may get into trouble and may lose his money. But, as far as the Government is concerned, their care and anxiety is for the recovery of the estate duty without any hindrance. This clause 72 makes the transfer absolutely void and therefore whatever transactions, whatever entries are allowed to be made in the books of the company will not affect the recovery of the Company's dues. This is the only thing that I want to submit and I doubt whether Government shall be right in forbidding the transfer of shares made by the deceased without any time limit because this clause does not refer to any time limit. Even if the transfer is made by the deceased some 3 or 4 years back, and, as a matter of fact, if for some reason or other recognition by the Government, or entry in the necessary registers has not been made for a period of three years, what will happen? These are some of my questions, Sir, for which I expect some answer and clarification from the Government side.

Shri Pataskar (Jalgaon): Sir, I entirely agree with the object underlying sub-clause (2) because....

Mr. Deputy-Speaker: Just one word. I was not present when this clause was taken up. Now, I hear arguments for and against this point of order that has been raised. There is no more to be discussed. The rest of the amendments in general and

[Mr. Deputy-Speaker]

other facts have all been discussed, both the amendment and the clause.

Shri C. D. Deshmukh: This particular amendment has to be discussed on merits and much of the discussion is mixed discussion on the point of order as well as on merits. It would have been convenient if the point of order had been disposed of first but since hon. Members have spoken.....

Mr. Deputy-Speaker: I think they have spoken both on merits and on the point of order.

Shri A. M. Thomas: On the merits also speeches were made.

Mr. Deputy-Speaker: I have read the proceedings and I have heard the speeches of hon. Members here. They have not confined themselves merely to the academic issue but also intermixed facts on which these issues have arisen.

Now, on amendment No. 592, such other hon. Members who have not taken part in the debate and who would desire to do so will address themselves to the practical point of view and also on the question of law so that I can dispose of the question of law concerned first.

Shri C. D. Deshmukh: I have to say something, Sir.

Mr. Deputy-Speaker: Mr. Pataskar was speaking.

Shri C. D. Deshmukh: I know he was on his legs.

Mr. Deputy-Speaker: Would the hon. Finance Minister like to intervene now?

10 A.M.

Shri C. D. Deshmukh: I have consulted the Law Ministry on the point of order and I thought that perhaps that might be of assistance to the House. That is all. The other day, towards the end of the day when the point was raised, I had to reply on my own so to speak, but, since then I have consulted them and I was wondering whether the House would not be interested in knowing what the view of the Law Ministry is.

An Hon. Member: Was the Law Minister or the Law Ministry consulted?

Shri C. D. Deshmukh: Both the Ministry and the Law Minister were consulted.

Mr. Deputy-Speaker: If it is a question of reiterating what the hon. Minister has already said.....

Shri C. D. Deshmukh: Yes, Sir, it is reinforcing the argument.

Mr. Deputy-Speaker: Then, I will come to it later on. If, on the other hand by consultation with that Ministry he has arrived at a conclusion that he must meet half way the objections, or something like that, then I can take it now.

Shri C. D. Deshmukh: It is by way of reinforcement, Sir.

Mr. Deputy-Speaker: Then we will wait.

Shri S. S. More: When the hon. Law Minister has been consulted, will it not be proper to have his opinion directly instead of having it from the Finance Minister?

Mr. Deputy-Speaker: We will take it that the Finance Minister will talk deriving his inspiration from the Law Minister.

Shri Pataskar: Now, I would like first of all to make it clear that so far as the object underlying sub-clause (2) is concerned, namely that in the case of those people who own shares and are liable to estate duty, there must be some provision by which transfers could be prevented. Supposing a man who inherits Rs. 3 or 4 lakhs worth of shares and has already effected transfer of them and subsequently it is found that he is liable to estate duty, it cannot be recovered

because the shares have been transferred. That object I can quite understand but the way in which the subclause (2) is worded is rather too wide. After that the hon. Finance Minister has moved an amendment trying to restrict it and there he says:

> "If any member of a company formed and registered under the Indian Companies Act, 1913 dies after the commencement of this Act and the company through any of its principal officers as defined in section 18, has knowledge of the death, it shall not be lawful for the company to register the transfer etc."

This, as has been pointed out by my hon. friend Mr. Thakur Das Bhargava and others might work hardship in the case of 90 per cent. of the shareholders who are not at all liable to pay estate duty. Probably that is not the intention with which the Government is bringing forward either this clause or the amendment. Sir, in view of this amendment power is given to the managers of the companies and if such general power is given to the managers what might happen? As we know, the managers of companies, for reasons best known to themselves, might like to postpone the decision. We know, already, under the provisions of the Companies Act, the managers or managing agents of companies who do not want some shareholders on the companies register, resort to so many devices and this would be an additional device for them. Therefore, to my mind, the best thing would be to find out some way by which this hardship will be avoided and, at the same time, the object is achieved. My own suggestion is that—if it is acceptable to the hon. Finance Minister—there should be some slight change in the amendment. I will first of all explain before I put forward what I propose to say. In the case of companies there is a list of shareholders maintained. Now, the names of those who pay income-tax are already with the income-tax authorities and in the case of others who do not pay income-tax, they have to apply for refund and so their names are also known to the income-tax authorities. These names are known to the income-tax authorities either because they are liable to pay income-tax or because they ask for refund. So, it is not very difficult for the income-tax authorities to find out who are the persons who are liable to pay estate duty. Their number will be very few. Therefore it would not be proper to have a wholesale direction like this. The names of all the shareholders are there on record. It will be easy for the Government, the income-tax authorities, to find out who is liable to pay and who is not liable to pay the estate duty. Therefore, instead of giving this wide power to the manager or managing director of the company I would suggest this.

> "If any member of the company formed and registered under the Indian Companies Act dies after the commencement of this Act and the company through any of its principal officers as defined in section 18 has been informed by any of the estate duty officers..." then the rest follows.

Mr. Deputy-Speaker: I have not been able to follow.

Shri Pataskar: Sir, to my mind Income-Tax Department is in possession of information with respect to the status of all shareholders of all registered companies because in the case of those that pay income-tax they ask for deductions. In the case of those also that do not pay income-tax they have to ask for refund because companies are asked to pay the income-tax and the shareholders—even those that are not liable to pay income-tax—ask for the refund. There is complete information with the Income-Tax Department so far as the Registered companies are concerned. They know the status of the shareholders.

Mr. Deputy-Speaker: Why elaborate that point? Registers of the companies are there.

Shri Pataskar: What I mean to say is, supposing out of one hundred shareholders there are only 5 per cent. shareholders who hold shares which are liable to estate duty tax. Now knowing the financial position of all shareholders which is in the possession of all the income-tax authorities normally, and particularly in the case of shareholders who ask for refund or who have been granted refund certificates by income-tax authorities they can certainly know their financial position.

Shri V. B. Gandhi (Bombay City—North): Not in the case of companies who do not declare dividends. The Income-Tax Department has no information about them. Such shares are valueless. In the case of good companies generally this information is there. Therefore, we have to choose between the two.

Shri Natesan (Tiruvallur): The hon. Member says that those shares are valueless. Supposing a person, who has shares worth two or three lakhs of rupees in a company which does not declare a dividend, dies. Is the Government foregoing estate duty on those shares?

Shri Pataskar: What I mean to say is, normally the Government has got the information about the financial status and the burden of the company But in the case of any particular man who is dead and who is a shareholder if the Estate Duty Officer informs the Manager not to register the shares, he should not, but for the sake of 5 per cent. of those that may be liable to make such a rule certainly is not proper. I agree with Mr. More on this point that supposing power is given to the Manager, the Manager is likely to cause harassment. There are so many interests involved. If the managing agent wants to keep out certain people he can do it. To my mind, this power if not modified, would certainly interfere with the normal things.

There is one other thing which I notice. Why should only shareholders be selected for this purpose? For instance, there are Government securities. We do not propose to prevent their transfers, there are deposits in banks. Their transfers are not prevented, and then why select only shareholders? There are so many other things which are not prevented. The approach is not correct. Primarily our business is to see that there is no avoidance of payment of estate duty. Wherever we think estate duty is going to be avoided we can make provision for specific things. Or as you want to put it the other way that because some 5 per cent. or 1 per cent. of people may avoid the estate duty therefore all shares should not be transferred or as is now suggested in this amendment it is left to the discretion of the manager. But how is the manager going to be satisfied? It is better that the Estate Duty Officer should be satisfied rather than the Manager of the company because, I am sure, in the matter of registered shareholders he would not be satisfied. In specific cases, to my mind it appears that in the case of registered companies 90 per cent. of the information will be available to them and they can issue specific instructions.

Pandit K. C. Sharma (Meerut Distt.—South): I do not argee with my friend, Mr. Bhargava, that this provision is barred by the provisions of the Constitution. If we read sub article 5 of 19 of the Constitution we will find that there is a provision for making any law for imposing reasonable restriction on the exercise of any of the rights conferred by the article 19 either in the interests of the general public or for the protection of the interests of the Scheduled Tribes.

The interests of the general public is wide enough to cover a provision like this. I respectfully submit that collection of estate duty is in the interest of the general public as every revenue measure which gets the

wherewithal for the Government for the good of the people is in the interest of the people. Therefore, there is nothing to bar this provision in the Constitution. It is constitutional; it is perfectly right and Government has a right to have this provision for the collection of estate duty.

Having said this, I do not find much use of this provision so far as the practical aspect of this question is concerned because any property is liable to the charge under Clause 72 read with Clause 19 of the Bill. Wherever the property of the deceased goes it takes the charge on itself so far as the payment of estate duty is concerned. Further the amendment proposed by Finance Minister limits the provision by the knowledge of the dead—by the officer. Now what is the criterion whether the officers of the company had knowledge or not. In most of the cases whether they have knowledge or not, they will not use the information to the Government's advantage.

The second point is regarding the transfer of the property for valuable consideration. I think it is useless, because under Clause 19(2) the estate duty on the property will not follow if that is transferred for valuable consideration. So under Clause 19 this estate duty is not charged on property transferred for valuable consideration.

Mr. Deputy-Speaker: Where does it say?

Pandit K. C. Sharma: Clause 19 Proviso) "Provided that nothing in this sub-section shall operate to make any property chargeable as against a *bona fide* purchaser thereof for valuable consideration without notice." Estate duty is not charged after the transfer is for valuable consideration without notice. That is already exempted. My respectful submission is that balancing the hardship to the people as against the advantage in the favour of the Government, the balance is much more to the disadvantage of the people with little benefit or little advantage in favour of the Government. Therefore, it may be dropped in view of the provision under Clause 19 of the bill and also clause 72.

Mr. Deputy-Speaker: Mr. Gandhi. The hon. Member will speak on law or on fact or on both?

Shri Gadgil (Poona Central): He will take an hour.

Shri V. B. Gandhi: Mr. Deputy-Speaker, Sir, I shall be very brief. I propose to speak on the two amendments moved by the Finance Minister.

Mr. Deputy-Speaker: We are not concerned with amendment No. 592. Amendment to amendment has been moved.

Shri V. B. Gandhi: These are 592 and 744.

Shri Gadgil: It is the same as the one moved by Shri Parikh.

Shri V. B. Gandhi: Sir, all of us agree with the object with which the Select Committee inserted this new clause, sub-clause (2) of Clause 80. The object was to expedite the realisation of estate duty, but, Sir, in the light of the many facts that have been now revealed in speeches made in this House, it is doubtful whether this sub-clause will at all help in achieving the object that the Select Committee had before it. Not only will the original sub-clause (2) not do that, but even in the form in which it is sought to be amended by the two amendments of the Finance Minister—Nos. 592 and 744—the sub-clause will not achieve the object either. It is clear that these two amendments, to some extent, mitigate the possibility of mischief under the original sub-clause (2) of clause 80. Now, Sir, if we delete sub-clause (2) altogether as proposed in the amendment of Shri S. G. Parikh—amendment No. 746—there will be no interference with the remaining provisions of clause 80. Sir, this sub-clause (2) of clause 80, is going to raise more difficulties than solving the problem of expediting the realisation of estate duty on a property which is

[Shri V. B. Gandhi]

held in the form of investment in shares. I will just take one small illustration. Let us first realise that a vast proportion of the shares is not usually of shares which are held by people who just keep them in their safes and forget about them. A very large proportion of these shares is held by people who use the shares as a means of investment, for the purpose of utilizing them in one form or another in business. Now, if we scrutinize the overdraft accounts of the commercial banks, we shall be astounded to find how crores and crores of rupees worth of overdrafts have been taken on the security of these shares by men, not only rich men, big businessmen dealing with lakhs and crores, but by men of moderate means. I will take a simple illustration of a man, a businessman, of moderate means. He has a small business of his own, and he also owns certain shares. When his business needs some money, what he is likely to do is to hypothecate his shares with a bank and have an overdraft on the security of the shares and then give the amount which he receives by way of an overdraft to his business as a loan. Supposing this man dies. Then the first thing that his widow would naturally want to do would be to extinguish his overdraft, to pay this overdraft, so that no more interest will run on that overdraft. Now, this widow cannot do that, because to do that, she would have to ask the bank to sell the shares and the Bank will not be able to sell the shares, because the man in whose name the shares stood is dead. So, until something happens and the shares are released for sale after she receives the certificate of the Controller and all that—it is all a matter of time—it is difficult for her to take action. Several months would elapse during which time the overdraft would not be extinguished, and the interest would continue to run. Perhaps in the meantime, the value of the shares may have depreciated to the disadvantage of the widow, because it is a matter of months and months, and mostly the shares which are accepted by the commercial banks for granting overdrafts are shares like the Tata deferred or Tata ordinary or Bombay Dyeing shares which are subject to frequent fluctuations. Now, all such risks are there, and many others have been pointed out by other Members in their speeches. For all these reasons, Sir, I would urge upon the Government to seriously consider whether it will not be just as well to delete sub-clause (2). Let us proceed on the basis of this sub-clause (2) having been deleted. Let us have some experience and, if at a later stage, we find that we run into real difficulties, then such a clause can always be inserted. After all, Sir, even in the United Kingdom where transactions in such shares are out of all proportion to anything that we have to deal with in this country, they do not feel the necessity for having a sub-section like this, then why should we have it here? Sir, let us do nothing at all that will in any way discourage the habit of investment among the middle classes.

Shri Jhunjhunwala (Bhagalpur Central): I have nothing more to say except to point out to an argument advanced by my friend Mr. Gandhi and by Mr. Bhargava that 80 per cent. or 90 per cent. of the shareholders might be very poor shareholders, and as soon as the company knows that the shareholder has died, they would be put into difficulties and if the successors will not be able to raise any money on those shares. Further, the other thing, which I think, the Finance Minister should be able to realise more than anybody else, is that it is bound to tell upon the negotiability of the shares. If it will tell upon the negotiability of the shares and the transferability of the shares, in that case, business will be hampered to a great extent and investment in shares will stop, and all the industries will be hampered. These are the only two points which I wanted to point out. There is nothing more which needs elucidation. I would appeal to the

Finance Minister to look to it, especially from the point of view of negotiability and from the point of view of the fact that 80 to 90 per cent. of the shareholders have got very small shares, and if the news of the death of the shareholders goes to the company, they will be put into great difficulties.

Shri C. D. Deshmukh: Mr. Deputy-Speaker, Sir, first, as regards the constitutional point. Firstly, restrictions are liable to be placed on the transfer of shares as a matter of agreement under the Company Law. For example in the case of a private company, the transfer of shares is restricted. The question which we have now to consider is different, namely, whether it is competent for a State law to impose restrictions on the freedom to transfer shares contrary to Article 19(f) of the Constitution. This is the opinion of the Law Ministry which I am reading out: "The first point is to consider whether there is really any restriction on the freedom to acquire, hold or dispose of property." There is nothing in our clause 80(2) restricting this. The restriction, if at all, is only indirect, that is to say, that no transfer after it has already taken place will be registered in the company's books, unless certain conditions are fulfilled. Would it be correct to say, for example, that a provision stating that no title to immovable property shall pass unless the document in writing is registered in respect thereof? That is an analogous case. It is, therefore, even possible to argue that there is no restriction. In other words, these restrictions are imposed for certain purposes: they do not interfere with the freedom of transfer. But, even if we assume for argument's sake, that there is a restriction in contravention of Article 19(f), then the question is whether it is a reasonable restriction in the public interest, or general public interest, or in the interest of the general public.

When the State decides to levy estate duty any provision which will enable the Government to collect the duty and to prevent evasion thereof should necessarily be in the interest of the general public. The particular provision prohibits the registration of transfers in certain cases where the Government has knowledge of the death of a particular member, unless certain conditions are fulfilled. Is it wrong to enlist the support of the machinery of the company to ensure that estate duty is not evaded? In my opinion, not. This is the Law Minister's opinion.

A few comparable instances of reasonable restrictions may be quoted in this connection. Section 46A of the Income-tax Act requires persons domiciled in India also to be in possession of tax clearance certificate before leaving India. Now that is a restriction on free movement, in the interest of the general public. Then, the Payment of Taxes (Transfer of Property) Act, 1949. The restrictions placed by this Act are more severe, and though this is a pre-Constitution Act it has not so far been challenged.

One word more, and that is my own, arising out of what Pandit Thakur Das Bhargava said. He contended that the words used are "interest of the general public" and not "public interest" as we are apt to say in replying to supplementaries. I have hastily gone through the Chapter on Fundamental Rights and I have not been able to confirm what he has said that where public interests are involved it is specifically said "public interest." There is "public order", "in the interest of public order".

Pandit Thakur Das Bhargava: The word "public interest" has been defined in other statutes also and a portion of the public is public in the Indian Penal Code. Here the words used are 'general public' not 'public'.

Shri C. D. Deshmukh: I understood his argument to be that in the Constitution itself when we mean in the public interest we say 'in the public interest' and not 'in the interest of

[Shri C. D. Deshmukh]

the general public', and that there is some distinction intended between the two. I have confined my hurried examination only to that Chapter and I find that the reference is to public order. But I cannot find any distinction between public interest and interest of general public, the inference therefore being that the interest of the general public as distinguished or distinguishable from the interest of the Scheduled Tribes. That is what the hon. Member is trying to argue.

That is what strikes me on this constitutional point and Government are satisfied that this is not violating any Article of the Constitution, in particular 19(f).

Pandit Thakur Das Bhargava: Is the Finance Minister prepared to agree with this proposition that there is no restriction on acquisition? A person gives the money and yet he is not able to get possession, of shares or dividend unless he is able to register.

Shri C. D. Deshmukh: There is no restriction on acquisition. I was going to refer to that point in connection with the merits of the case. We inserted this clause in the Select Committee in order to prevent evasion. What we had particularly in mind were blank transfers. In the ordinary case this kind of difficulty does not arise. A person dies, his heirs or legal representatives write to the company, they show their title, or if it is through a *bona fide* purchaser, through a broker the title is conveyed and the necessary entry is made in the books of the company. It was only when we tried to find out what are the ways of evasion that it struck the Select Committee that evasion would be very easy through what is known as 'blank transfers'. That is to say, a person holding shares may write an authority of transfer, without any date and without filling the place where the purchaser's name is to be inserted. Now on these blank transfers scores of transfers take place. These cases have gone to courts of law in connection with voting. It has been held that if it is proved that a person has paid consideration, no matter what the previous chain of transaction may be, he has a right to vote, not the person who is registered as the owner of the shares. Therefore there are certain peculiar incidents attached to this institution of blank transfers and it is against this that this clause was directed.

Pandit Thakur Das Bhargava: How can you prevent it by this clause?

Mr. Deputy-Speaker: The point is how does this help. It is not the contention that no property passes independently of registration. The registration may be necessary for some other purposes. Therefore, we will assume that X is the original person in whose name the registration stands. He transfers it to Y and Y in his turn transfers it to Z, who is the person who dies. All the same the transfer has not been changed to the name of Z. The clause does not seem to be useful at all.

Shri C. D. Deshmukh: Sometime or the other, for some other purpose, maybe receipt of dividends, maybe for something else, the person who is actually holding it may wish it to be registered.

Mr. Deputy-Speaker: How is it effective? The person who dies is a person in whose name the registry has not been effected, we will assume. The registry has been in the name of A. It passes hands from A to B, then B to C and then from C to D. It is D that dies without the transfer being changed in the name of D. Now A the original man does not die. Therefore, how is it useful to Government?

Shri C. D. Deshmukh: We are only concerned if A dies.

Mr. Deputy-Speaker: But if D is the real owner?

Shri C. D. Deshmukh: If at all it is a subject of charge, then all these people would be accountable persons, if the chain can be established. Therefore, sometime or other we shall be able to place a charge on the shares, when the matter comes to the company for change of the original registration. Now, as I said the motive, the predominant motive, might be the desire to receive dividends.

Mr. Deputy-Speaker: Now the man who dies is D. A is the person in whose name the registration stands. He transfers it to B, B transfers it to C and C in turn transfers it to D. If A and E are able to come together and A who is still alive writes to the company that it is transferred in the name of E it can still be done, notwithstanding this amendment. The man who dies is D. Of course, if it stands in the name of the man who dies this amendment stands in the way of its being transferred. To a large extent the amendment may not be effective.

I am only asking as to how far it is going to be useful to Government.

Shri C. D. Deshmukh: If a person does not die, it is not affected. We are only concerned with the property of those persons that die. There may be other kinds of cases than what is said here.

Mr. Deputy-Speaker: What is the object of ignoring all of them and catching hold of only this? From the hon. Minister's experience, what period does it normally take to get it transferred?

Shri C. D. Deshmukh: It takes about 6 months and within a year certain dividends have to be received.

Mr. Deputy-Speaker: Cannot dividends also be paid to order, without even a registration?

Shri C. D. Deshmukh: As far as I am aware, the dividends are only paid to the registered holders.

425 P.S.D.

Mr. Deputy-Speaker: He endorses and signs, and any other man can receive it.

Shri C. D. Deshmukh: That is as a power of attorney. I am referring to his receiving as the owner.

Mr. Deputy-Speaker: Notwithstanding the non-transfer of the shares, the money can be received on the basis of endorsement from time to time. Now, what I am concerned with is this. Notwithstanding this restriction, in the majority of the cases, the ordinary practice is that as and when transfers are effected quickly, they are not registered. What is the object of trying to catch hold of this particular case only?

Shri C. D. Deshmukh: All that you are suggesting, Sir, is that there might be a number of evasions. So far it has not been necessary for anyone to see that as dividends are declared, they may be received by someone else. I have no doubt that some of these ways will be found, but as and when they are found, we shall deal with them. To my knowledge it has never happened that somebody else was asked to receive dividends on one's behalf, although there might be just a blank transfer. We are now dealing with the problem as might exist today.

Shri S. S. More: Will not clause 72 prevent the passing of the property, on the death of the deceased, as a matter of fact?

Mr. Deputy-Speaker: There is nothing in clause 72 which makes anything void. Clause 72 deals with the existence of a first charge or release from that charge and all that it says is that if consideration has been paid, then there is no charge.

Shri N. C. Chatterjee (Hooghly): The first charge on *immovable* property.

Mr. Deputy-Speaker: Yes, whoever takes it, takes it subject to the charge. Even then, notwithstanding the non-transfer, cannot the Government proceed against the other person who

[Mr. Deputy-Speaker]

takes the property. We will assume that it is transferred and the transfer is effected in the books of the Company. How does the Government suffer, because it is the first charge under Section 72? Whether the transfer is effected in the registers of the Company or not, that man escapes. Under section 73, in the case of a *bona fide* transfer for valuable consideration without notice, the person who purchases is also protected.

Shri C. D. Deshmukh: In section 72, there is no doubt a charge and the object of the Government is to insist upon payment before it is transferred. If he is a *bona fide* purchaser, notwithstanding the non-registration, he will escape and he is not liable to pay duty.

The Company is doing what Government would have done when it is known that someone has acquired property or shares belonging to the deceased. If, for instance, there was some automatic way by which we also want to know all details of transfers, certainly we can do what the Company can do. All that we are asking here is to cast a responsibility on the Company to which some matters come in the normal course of business. The object is simply to ensure that there is no charge. In other words, someone on our behalf has to be satisfied that due consideration has been paid. Then we say 'we don't bother you'. If the Company tells us that no consideration has been paid, we can still value the property. The only object that is gained here is that at the earliest stage there is some kind of check on properties escaping estate duty.

Mr. Deputy-Speaker: Whoever takes the property takes it subject to the liability of paying duty. The only thing is that his name has to be revealed.

Shri C. D. Deshmukh: He has not got to come to us, but he has got to go to the Company.

Mr. Deputy-Speaker: Whoever wants to have a transfer goes to the Company, whether the other man dies or not.

Shri C. D. Deshmukh: Our clause only applies where the death takes place.

Mr. Deputy-Speaker: How does it help the Government at the earlier stage?

Shri C. D. Deshmukh: At the earlier stage, he has to produce a certificate that will prove that he has acquired the property or share for some consideration. Therefore, he releases his title at the earlier stage when it is possible for him to do so. There is no compulsion for him to come to Government, nor has Government any other means of finding out how many transfers have taken place between the deceased and a large number of people.

Mr. Deputy-Speaker: We will assume there is no transfer. Then it is the duty of the Company to intimate to Government.

Shri A. M. Thomas: The Estate Duty Officers have the information.

Mr. Deputy-Speaker: How do the Estate Duty Officers get to know about the properties of the deceased?

Shri C. D. Deshmukh: At any rate, what we shall have secured is that certainly properties which are not subject to estate duty will at least be left out because there will be proof here that either consideration has been paid or a certificate has been issued. Therefore, a large number of cases will be excluded from the administrative and other enquiries following this levy. It is a limited object and it may be attended with limited success. The only refinement that was suggested on this was the one suggested by Shri Pataskar that Income Tax Officers must have complete information. Now, income-tax is concerned with only non-agricultural income. There are many agri-

cultural incomes about which we have no information.

Mr. Deputy-Speaker: That does not affect the shares with which we are concerned here.

Shri C. D. Deshmukh: A record is kept of the shares because there is other income also. I mean there is income from the shares. There are so many potential properties in which also there might be a shareholding. But there may be no connection with Income-tax.

Secondly, I am not quite sure if section 54 of the Income-tax Act will not prevent the disclosure of this even between departments of Government.

Pandit Thakur Das Bhargava: You have already got a section here.

Shri C. D. Deshmukh: It has not yet been passed. We have not been able to get it through.

Shri Tulsidas (Mehsana West): It nas been passed in the last Amending Bill.

Shri C. D. Deshmukh: Maybe, in which case of course this objection cannot remain and it can be passed on, but my first point remains that it is not always that the Income-tax officers will have the information. Secondly, Income-tax assessments are made late. It is two or three years after the actual accrual of income, whereas we cannot hold all that up as we are anxious that the determination of estate duty is done as early as possible. Therefore, for this reason I am not able to accept this particular amendment to my amendment.

As regards the possible effect of negotiability or inconvenience to people, we have consulted one industrial unit here, a company, in regard to the frequency of these registrations of transfers. They say that in the case of companies these transfers are made on the basis of either a succession certificate or an indemnity bond. And most of the companies follow this procedure Blank transfers operate generally, if not wholly, in the case of speculative shares only. That is a point which I wish to mention. If one fears that the negotiability of shares as a whole is affected, my answer would be 'No'. The people likely to be affected would be largely those who speculate in some of the well known counters of speculation.

The last point I would urge is that this is a clause in respect of which we have had prolonged discussions with the President of the Bombay Stock Exchange and we have given very careful consideration to representations made in this behalf by the Calcutta and other Stock Exchanges. We received a telegram from the President of the Bombay Stock Exchange. We indicated to him the sort of solution that it might be possible for us to find in order to include a clause which, if it stood in its original stead, might have been a serious impediment in the matter of negotiability. Now I wish to state that according to him the two changes that we are now making will make the clause acceptable to the Stock Exchange. I would suggest humbly to hon. Members that in this matter they should accept the verdict of those who have to deal with shares all their lives—I mean whose profession it is to be concerned about negotiability, irrespective of what their personal views might be.

Shri S. S. More: May I make a useful suggestion, Sir? Under clause 51(3) every person accountable for estate duty shall within six months make a disclosure to the Government regarding the property. So in this clause some time limit must be prescribed—unless there is a certificate or within six or eight months. Because within six months you will get all the information necessary. After the lapse of seven or eight months the company may automatically register it if they deem it fit. Otherwise for the production of certificates indefinite time will be required. If

[Shri S. S. More]

people die in larger number the period will be very long. So a time limit must be there

Shri K. K. Basu: They give receipts for the money they have received.

Mr. Deputy-Speaker: I have two doubts about this and I would like them to be cleared by the Finance Minister before I come to any conclusion.

What is the effect of saying that it will be unlawful for the officer to register? We will assume he registers or effects the registry of transfer in the name of the new person notwithstanding his knowledge that the other man, the previous registered holder, is dead. What happens to this transfer? Is it void? Or will the officer be taken to task? We will assume he does so. Does the transfer itself in the registry become void?

Shri Pataskar: Sub-clause (3) provides the penalty.

Mr. Deputy-Speaker: Let the company damn itself. What is the effect on the transfer? The transfer is not going to be voided, or the registry is not going to be null and void. How does Government get any information? We will assume it is a transfer worth lakhs of rupees. The penalty on the company is a thousand rupees.

Shri K. K. Basu: Or double the duty.

Mr. Deputy-Speaker: Is it reasonable restriction? The moment somebody dies, whether his estate is liable to duty or not, if it comes to the notice of the company—it is a certificate—he must run up. Is it a reasonable restriction? The property may be only twenty thousand rupees. It may not be liable to estate duty. He may have shares. He may die. If he has small shares of one hundred or two hundred rupees, the man must run up. Is it a reasonable restriction in the interests of gathering tax?

Shri C. D. Deshmukh: That is assumed in clause 58, is it not?

Mr. Deputy-Speaker: Where?

Shri C. D. Deshmukh: Persons accountable, where accounts have to be given under clause 58.

Mr. Deputy-Speaker: We will assume he is liable to account. But I am concerned here with article 19(5) regarding his property. I will assume that 'in public interest' and 'in the interests of the public' mean the same thing and the State interests are as good as public interests. Then the restrictions, apart from the question of "existing law" and so on which was raised by Mr. Trivedi, must be reasonable. The wording is "in the interests of the general public or for the protection of the interests of any Scheduled Tribe". Is it not proper to say that this is not in the interests of the general public?

Shri Raghavachari (Penukonda): It is definitely stated that sale and disposal is not affected. Therefore there is no restriction. Properties can be disposed of. Registration is something formal which may or may not take place.

Mr. Deputy-Speaker: In which case it is unnecessary.

Pandit Thakur Das Bhargava: It will be on the acquisition itself. Unless a thing is registered what is the use of acquisition? It is a national disposal.

Shri C. D. Deshmukh: Section 34 of the Companies Act says:

> "It shall not be lawful for the company to register a transfer of shares in or debentures of the company unless the proper instrument of transfer duly stamped and executed by the transferor and the transferee has been delivered to the company along with the scrip".

Mr. Deputy-Speaker: It is not in the interest of stamp duty alone. It is also to safeguard the interests of the company registering under the name of X, Y, Z without knowing that the property has been transferred. They must have some evidence, apart from the stamp duty.

Objection has been raised to these two amendments 592 and 744—744 is part and parcel of 592—read together on the ground that this stands in the way of free transfer of property as envisaged in article 19 (1) (f) of the Constitution. I will refer to the objections one after the other.

The first objection that was raised by Shri U. M. Trivedi was this. He laid emphasis on the word 'existing' in the provision ".....said clause shall affect the operation of any existing law in so far as it imposes....". But, he failed to read the other portion. The wording here is 'prevent': not only the existing law, but it cannot also prevent future laws. If, instead of 'prevent' it were ".....of any existing law in so far as it imposes or prevents the State from making any law...." it will go along with the previous one. In asmuch as the word 'prevent' is used, it must be read along with 'affect' as: ".....shall affect.....or prevent the State from making any law imposing....". It therefore relates both to existing and future laws also. There is no force in the contention that future law ought not to be made. That objection is overruled.

So far as the objection regarding the words 'in the interests of the general public' is concerned, wherever they are used in the earlier portions, the wording has been 'in the interests of public' so far. I am unable to lay my hands on any portion here, where as pointed out by the Finance Minister the phrase 'public interest' is used. This phrase 'in the interests of general public' means only 'public interest' as we ordinarily use, or general public interest. It is not contended that the wording should be public interest. Anything which affects the taxation of the State is a matter of public interest. Therefore I feel that no difference ought to be made between the expression 'in the interests of general public' and 'public interest'. Anything that is done in the interests of the State is as much in the interests of the general public. Both these points are therefore found against.

The only point is how far these amendments stand in the way of free transfer. I do not find that this compulsion in the matter of registration or making it unlawful to register stands in the way of free circulation of property. It can pass from hand to hand. If he is a *bona fide* purchaser, he is not affected at all; if he is not a *bona fide* purchaser, Government has nothing to lose and it can proceed upon the property. The only object of the Government seems to be that at some point, whoever might purchase, he has to obtain the sanction or certificate of the Controller in which case some attention or some intimation will be given to the Controller that that person is dead, and he has some shares to his credit, so that they may be taken into account. I do not personally feel that this has much value inasmuch as blank transfers are going on. It is left to the Government to consider how far it is necessary or useful. Apart from that, I am considering the question how far this insistence upon recognition or certificate from the Controller stands in the way of free circulation of shares, and also of the people whose estate on their death is not liable to estate duty. There is already clause 51 laying down the persons accountable, and their duties and liabilities. It may be that at this point, there is no restriction that it ought not to be transferred or that the transfer shall be unlawful. Every man may be liable to give his account. But, the other question is preventing transfer for his own benefit and circulation of property. These are two different things altogether. It is rather difficult for me and I do not know the percentage of such people. A person whose estate is not liable to duty at all may have some shares. If every

[Mr. Deputy-Speaker]

one of them is to obtain the certificate of the Controller, I think it is too great a restriction upon that kind of circulation. Inasmuch as it does not stand in the way of circulation, except that it may prevent the drawing of dividend for some time, I put the question: what will be the effect if, in spite of these amendments, the officer of the company transfers. That man will be punished. All the same, the registry would not become invalid. For these reasons I hold that there is absolutely nothing standing in the way of the transfer being valid or transfers being effected; only it causes some inconvenience to those persons whose estate is not liable to duty. This is a matter which the Government may consider. I would have liked that they should have accepted some amendment. But, it is not for me to decide whether it is right or wrong. It does not stand in the way of mobility or free circulation or negotiability of these transfers. It is only an indirect method of getting information. I overrule this objection. There is no point of order in this. Only some inconvenience may be caused.

11 A.M.

Now, I shall put the amendments to the vote of the House. There has been enough discussion on the questions of law and fact. Now, the amendment to amendment No. 592.

The question is:

In the amendment proposed by Shri C. D. Deshmukh, *after* "unless" *insert* "the company is satisfied that the transferee has acquired such shares for valuable consideration or".

The motion was adopted.

Mr. Deputy-Speaker: Now, amendment No. 592, moved by Shri C. D. Deshmukh as amended by amendment No. 744.

The question is:

In page 35,

for lines 33 to 39 *substitute*:

"(2) If any member of a company formed and registered under the Indian Companies Act, 1913 (VII of 1913) dies after the commencement of this Act and the Company through any of its principal officers as defined in section 18 has knowledge of the death, it shall not be lawful for the company to register the transfer of any shares standing in the name of the deceased member unless the company is satisfied that the transferee has acquired such shares for valuable consideration or there is produced before it a certificate from the Controller that either the estate duty in respect thereof has been paid or will be paid or none is due, as the case may be."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 35, lines 27 and 28,

for "at such scale as may be fixed by the Act of Parliament in pursuance of section 34" *substitute* "at the rates mentioned in Part III of the Second Schedule.".

The motion was adopted.

Mr. Deputy-Speaker: The amendment of Shri S. G. Parikh. It is barred. Shri Tulsidas.

Shri Tulsidas: It is barred.

Mr. Deputy-Speaker: Shri S. G. Parikh. 746.

Shri S. G. Parikh (Mehsana East): I beg leave to withdraw my amendment number 746.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: Even otherwise, it is barred. The amendment of Shri Tulsidas.

Shri Tulsidas: It is also barred.

Mr. Deputy-Speaker: I am glad the hon. Member himself says so.

Then amendment No. 445. That is barred.

Shri Tulsidas: That amendment is not barred.

Mr. Deputy-Speaker: His amendment is for the omission of lines 33 to 39. Those lines have already been omitted and substituted. So the hon. Member has succeeded. The Finance Minister also has succeeded.

Mr. Deputy-Speaker: The question is:

"That clause 80, as amended, stand part of the Bill."

The motion was adopted.

Clause 80, as amended, was added to the Bill.

Clause 18.—(*Rule making powers etc.*)

Shri Pataskar: Sir, I do not move amendment No. 567.

I beg to move:

In pages 35 and 36, *for* clause 81 *substitute*:

"81. (1) The Central Government may make rules prescribing all matters which by this Act are required or permitted to be prescribed and for carrying out the purposes of this Act.

(2) Rules made under this section shall be published in the Official Gazette of the Government of India and shall not have effect before such publication.

(3) These rules shall also be published in the Official Gazette of all State Governments and at least in one newspaper of the language or each of the languages recognised and prevalent in each State, as soon as may be after they are made.

(4) Rules made under this Act shall be laid before both the Houses of Parliament within ten days of the date on which each of these two Houses meets after the first publication of such rules in the Official Gazette of the Government of India."

Mr. Deputy-Speaker: Amendment moved:

In pages 35 and 36, *for* clause 81 *substitute*:

"81. (1) The Central Government may make rules prescribing all matters which by this Act are required or permitted to be prescribed and for carrying out the purposes of this Act.

(2) Rules made under this section shall be published in the Official Gazette of the Government of India and shall not have effect before such publication.

(3) These rules shall also be published in the Official Gazette of all State Governments and at least in one newspaper of the language or each of the languages recognised and prevalent in each State, as soon as may be after they are made.

(4) Rules made under this Act shall be laid before both the Houses of Parliament within ten days of the date on which each of these two Houses meets after the first publication of such rules in the Official Gazette of the Government of India."

Shri C. D. Deshmukh: I beg to move:

(1) In page 35, line 47, *after* "previous publication" *insert*:

"and subject to the control of the Central Government".

(2) In page 36, *after* line 2, *insert*:

"(1A) The power to make rules conferred by this section shall, on the first occasion of the exercise thereof, include the power to give retrospective effect to the rules or any of them from a date not earlier than the date of the commencement of this Act."

Mr. Deputy-Speaker: Amendments moved:

(1) In page 35, line 47, *after* "previous publication" *insert*:

"and subject to the control of the Central Government."

(2) In page 36, *after* line 2, *insert*:

"(1A) The power to make rules conferred by this section shall, on the first occasion of the exercise thereof, include the power to give retrospective effect to the rules or any of them from a date not earlier than the date of the commencement of this Act."

Shri Pataskar: The point which is raised by my amendment is not pertinent only to this particular legislation, but it is a point of some constitutional and general importance. Therefore, for the sake of convenience, I will first read out how the Section will be after the amendments proposed by the hon. Finance Minister are accepted:

"81. Rule-making powers of the Board.—

(1) Subject to the condition of previous publication, and subject to the control of the Central Government, the Board may make rules not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed....

—So far as my amendment is concerned, you will not find the word "convenient" there. That is another change.—

"..for carrying out the purposes of or giving effect to this Act."

Now, I will read out my amendment. It is like this:

"81. (1) The Central Government may make rules prescribing all matters which by this Act..

—so that I want this power to be given in the first place to the Central Government and not to any statutory body—

"..prescribing all matters which by this Act are required or permitted to be prescribed and for carrying out the purposes of this Act."

Only the wording is different. The change is that I do not want anybody to frame rules which are convenient to be prescribed. So far as I know, Sir, I have never come across this phrase in any other enactment, *viz.*, that they are to be as are convenient to be prescribed. It will be very difficult to prescribe what is convenient, and what is not.

Then,

"(2) Rules made under this section shall be published in the Official Gazette of the Government of India and shall not have effect before such publication."

I have made provision for that because it is not clear in this Clause as to where the publication is going to be made. Now, under the English Act there is always a provision that they shall be published in the King's Printers or some such body which corresponds to our Official Gazette of the Government of India. This is an important Clause. I want it to be made clear that these rules shall not have the force of law unless they are published, in the official Gazette of India, and I will explain at a later stage why it is necessary under this Section.

Then the third is:

"(3) These rules shall also be published in the Official Gazette of all State Governments and at least in one newspaper of the language or each of the languages recognised and prevalent in each State, as soon as may be after they are made."

Here there is no restriction that they shall not come into effect before they

are published in the Gazettes of the State Governments or in any of the languages, but this provision is made in order that there should be adequate publication of the rules made. A large number of people owning properties even in the rural areas and particularly in a number of States are going to be affected. Therefore, I propose that these rules must be published in the official Gazettes of those States, and because it is going to be applicable even to agricultural land, it must be published also in each of the languages prevalent in each State.

Then,

> "(4) Rules made under this Act shall be laid before both the Houses of Parliament within ten days of the date on which each of these two Houses meets after the first publication of such rules in the Official Gazette of the Government of India."

This restriction is also necessary because in England under the old Act of 1893, when the same words "as soon as may be" were there, it was found that in many cases for months together they were not laid on the Table of the House, and it was found nothing could be done. Therefore, they went further in the new Act which they passed in 1946 saying that in some cases the rules will not come into force unless they are laid on the Table of the House by a particular period of time. I do not want to apply it here, but it is necessary that they must be laid on the Table of the House at least within ten days after the next session begins, so that during the period of that session if any one wants to raise any objection to these rules, he can do so by an appropriate motion before the House. I do not think there should be any objection to that.

There are two main questions which I wish to raise by this amendment, and the first and the most important question is: To whom are these powers to be delegated? We know that the history of this delegated legislation is a long one, and unless there is effective Parliamentary control, it is not likely to be of use. Then, we are going to lay down a precedent in this case, when we give powers not to Government, but to a third statutory body. What is the nature of our Constitution? As I say, we have got a Parliamentary system of democracy in the sense that people have elected these Members as their representatives to this House. They are, as we always say, the supreme, the sovereign body, and Government comes into existence as a result of these elections and this body. They are accountable to whom? To the Parliament itself. The accountability of the Cabinet or the political executive as, I would say to the Parliament is the keystone of the Parliamentary system of democratic Government. I will not dilate on that point. Many people are here. They know the principles of our Constitution, and therefore I say it will not be disputed that accountability of the Cabinet or the political executive to the Parliament is the keystone of the Parliamentary system of democratic Government. In such cases, to whom should Parliament delegate this power of subordinate legislation: to the Government or to any outside body? Therefore, my submission is that looking to the nature of the House, Parliament can give and should give, at least constitutionally, its power only to the Cabinet or to the Government.

I know in England as a result of the two wars of 1914 and 1935, a number of rules which had the force of law, known as delegated legislation, came into effect on a very large scale. Ultimately, they appointed certain committees, and as I have pointed out, they found that Parliamentary control was practically disappearing by this means. Therefore, they passed an Act which is known as the Statutory Instruments Act of 1946. I will not trouble hon. Members with a long discussion, but I will only say that after a good deal of discussion they have made provision in Section 11 of that Act. Before that Act there were certain Acts which had

[Shri Pataskar]

given powers to different departments of Government, and thereafter, of course—after 1946—there is a different system which they follow. Therefore, they have made provision in Section 11 which reads:

> "11. (1) For the purposes of this Act, any power to make, confirm or approve orders, rules, regulations or other subordinate legislation conferred on the Treasury, the Admiralty, the Board of Trade..

—the three main branches of their Government—

> "or....any other government department shall be deemed to be conferred on the Minister of the Crown in charge of that department."

Even with respect to those Acts where formerly powers had been given to the Treasury or other departments, they said: "No. They shall be deemed to be conferred on the Minister of the Crown in charge of that department".

Now, in this case, if we are going to give power for the first time to make rules and to frame subordinate legislation, the power must be given to the Government and to none else. I do not understand why it is necessary. It may be argued that after I referred to this point at the time of the first reading, there is an amendment brought forward by Government which says: "and subject to the control of the Central Government". But the question is: Will it contribute to an effective control by Parliament over this delegated legislation? That is the main question before us. It may be said: "To whom do we pass power?" "A" delegates his power to "B" and says it shall be controlled at the discretion of "C", but to whom is the power transferred? The power is transferred not to "C", not to Government subject to whose control they will work, but we are going to delegate the power to a certain other body—it may be statutory—over which I do not know how far we can exercise Parliamentary control. I can understand Government being given the power, and they being allowed to delegate to the department. Naturally, they will do it through their department, but this is not a case of sub-delegation even.

There are cases in which power is delegated to Government and Government are authorised to delegate it to somebody else. That may be sub-delegation, but here it is not so. This delegation of this power may be there. I have nothing against it. But the principle, the basis, of it is wrong because if you delegate power to that body, a body subordinate to Government, so far as Parliament is concerned, naturally its control over it will be very remote at the most. It is not direct. But if we give the power to the Government, there will be adequate control.

Then, Sir, look to this aspect, for instance, previous publication and laying on the Table of the House. Now, if we give power to the Government, they lay it before Parliament and we can, if necessary, by a proper motion change it. But, Sir, what will happen if we give power to a third party? These things are placed before the House and it would be open to the Government to say: "Well, this Parliament with its eyes open delegated to that body the power to frame rules"—of course, we approved of them—"How can you hold us responsible in this House? What Motion can you bring before the House for holding this Government responsible for these rules?" My friend, Mr. Gadgil, is probably in a very light mood, but I would like to say that here it is not about the Estate Duty Bill that I am talking. It is about this principle, that when you delegate power to a third body—because there is a clear distinction between this Government and the CBR—only subject to your control, it does not mean the same thing as giving the power to the Government over

which Parliament can exercise legitimate control by bringing in an appropriate Motion under the rules.

Sir, I would therefore submit that we all take this point very seriously into consideration. After all, even if power is given to the Government, the Government can only make rules after consulting their departments. It is expected of them. But, Sir, it is one thing to give power to the department and it is another thing to give power to the Government which can delegate it and get that work done by the appropriate department. This is naturally a matter which we must seriously consider.

I look upon this as laying down a very sound principle. In so many matters now we are being guided by the experience which parliamentary democracy has got in the U.K. Why do we not take it here also into consideration? What is the harm if instead of the CBR being given these powers to make rules, the Government takes the powers? Therefore, I say, Sir, that so far as parliamentary control is concerned, it is necessary. Probably it may be suggested that if the powers are given directly to the CBR, the work might be better facilitated. The Government may not step in at all. They have only got control and the CBR is left free to make whatever rules it likes. As I said on another occasion, speed in efficiency and in execution is of paramount importance, no doubt, but we have to see when Parliament is passing this legislation not only to speed, but to what we are doing so far as our powers of control are concerned. We have to see how far we can best exercise them. It cannot be denied that under the system as it prevails now, which we have established by our Constitution, there is, as I said, the accountability of the Cabinet or the political executive to the Parliament and that is the keystone of our system of parliamentary democracy. I hope, Sir, that the hon. the Finance Minister will find that at any rate so far as this point is concerned, he is not likely to be embarrassed in any way whatsoever. But I would still appeal to him to consider whether 'subject to the control' is really enough. If it is not, why not put it in a straight manner? Why not put it in the manner in which it should normally be done in all such matters?

I have, therefore, raised this question not only from this point of view. The Government will lose nothing by this power being given to the Government. It is not my intention to say that Government should not have the power, the absolute power, to make the rules necessary. But the question is, to whom it should be given? Who should properly exercise this? I would again make it clear that it is one thing to give power to the Government and quite another to give it to some other body which is only subject to the control of Government. So far as practical things are concerned, I do not think that it would mean much to the hon. the Finance Minister and I am sure, Sir, with his usual approach to these questions in a very deep and thinking manner, he will come to the conclusion that if the Government accept this principle that these powers should be delegated in the first instance to the Government, there will be no difficulty; they can get all those rules framed by their department whether it is the CBR or any other department. Sir, I do not think I need add anything to this, because I have already referred to this on two previous occasions.

Then, Sir, what is the other point that arises if this power is to be delegated? Naturally, there are certain principles which govern these rule-making powers to be conferred. First, there must be the obligation for antecedent publicity. This is the first of the three principles which should govern this delegation of powers. It may be said that it is there. I have only changed the wording of it so as to make it consistent. Sir, it is of the highest importance that there must be adequate publication of delegated legislation. This is a principle accepted all over the democratic countries. Suppose, for instance, we are

[Shri Pataskar]

passing this Estate Duty Bill. There is discussion all over in the papers, in the whole of the country and we can say that the people know what is happening. But, Sir, in the case of the rules, what happens if there is no adequate publication? We say that every citizen is expected to know the law. That principle is all right, but that principle also throws a certain other responsibility upon the Government and it is this: that there must be adequate publication of delegated legislation. I have suggested adequate publication and I do not think there should be any objection.

Now, for instance, they say 'subject to the condition of previous publication'. But in what? Generally it is in the Official Gazette. But suppose in a particular case, it is not followed. Then why should it be left at that. In so many things we are following the practice in England. In England it is the King's Printers. Unless it is published in that, it cannot be valid. Here also, there is nothing to prevent its being published in the Government of India Official Gazette. It must be published there. I find, Sir, that in the Income Tax Act, sec. 59 (under clause 5) it is said that the "rules made under this section shall be published in the Official Gazette and shall thereupon have effect..". That means the Gazette of the Government of India. Such a provision was already there in the section covering the rule-making powers.

Shri Gadgil: Here it is 'subject to publication'—a wider term.

Shri Pataskar: I do not want it wider. I want that the publication must be in the Official Gazette. It should not be open to anybody to say: 'Well, I did not publish it in the Official Gazette, but I published it in some other paper'. Here we are going to saddle the subject with a responsibility that he must be presumed to know the rules. In the case of delegated legislation, it is an accepted principle all over the democratic countries that there should be the widest publicity. This principle has been rightly embodied in the Income-tax Act. I do not know why it was thought necessary to make a change here. Probably it may have happened inadvertently. But I would suggest that nothing will be lost by adopting this principle. I go further and say that it must be published in the Official Gazettes of all State Government and at least in one newspaper of the language or each of the languages recognised and prevalent in each State.

Sir, when section 153(C) was introduced in the Indian Companies Act, I, at Jalagaon, wanted to get a copy. For months it could not be had. Even the District court was not supplied with a copy of the Government of India Gazette. When I made an application, they said: "Well, we do not know anything about this". Therefore I have suggested further that previous publication means publication in the official gazette.

Shri U. M. Trivedi (Chittor): Unless it is widely done by public notification.

Shri Pataskar: Otherwise why should it be necessary in the Indian Income-tax Act to say that that publication should be in the official gazette. I say that it should be published not only in the official gazette, the Gazette of India but it must also be published in the State gazettes, because this is a measure which is going to affect everybody, even people in the rural areas. Therefore I say it should be published in the local gazettes also. I know that the Acts and Rules which are made here are sometimes published in the State gazettes. But, I want to make it clear. It should be published also in one of the language papers. For instance, in the Bombay State there are 3 languages prevalent.

Mr. Deputy Speaker: No fears. Every rich man will purchase a copy in advance.

Shri Pataskar: May I make a submission, Sir? I am not concerned with

the rich person at all. But there are so many people who own houses and properties in the rural areas who do not really know these things. As a matter of fact and principle I say that whenever there is going to be delegated legislation, why should it not be broadcast? What is lost or what is the expenditure involved? The provision in the other Bills for adequate publication must be followed. From the provisions it is not clear whether there will be adequate parliamentary control. Otherwise it is no good delegating powers and then seeing that we have not got adequate powers to secure Parliamentary control. It is why I want that the rules made under this Act shall be laid before both Houses of Parliament. Now, I see that there is a provision also in this Bill that all the rules made under this Act shall be laid before both Houses of Parliament as soon as may be. In England, it has been found that these words 'as soon as may be' are of no avail from the practical point of view. There were cases in which—I will not take the time of the House by quoting instances —these rules were not at all laid on the table of the House for many months and the House found that nothing could be done. I do not want that they should be laid on the table of the House immediately. But, in order to preserve the control of this Parliament over this delegated legislation, I want that they should be placed on the table of the House at least within ten days after the next session after publication in the Gazette. Supposing they publish in the Gazette of India some time in December and the House meets in February.

Mr. Deputy-Speaker: Why is the word 'first' in the amendment? Is more than one publication contemplated?

Shri Pataskar: I contemplate that they may publish it again.

Mr. Deputy-Speaker: In the official gazette it is published only once.

Shri Pataskar: I thought when I drafted the amendment that there may be a second publication and therefore I said that it need not be placed on the table of the House. But the word 'first' may be dropped. What occurred to me was that if the rules were to be published not once but twice, it is not necessary to place them on the table of the House again. There should also be some time limit. In England unless they are on the table of the House for 40 days, they cannot come into effect. But, in a measure like this I do not want to impose a condition like this.

An Hon. Member: That is good.

Shri Pataskar: That may be good but that is not what the amendment seeks. I have been guarded and moderate and I do not want, as far as possible, to come in the way of those who want to recover these dues as early as possible. I can assure every member of this House that even if my amendment is accepted, there will be no difficulty in the way of Government. I was told that publication means publication in the official gazette. How can it mean that and if that was so why was it so mentioned in the Indian Income-tax Act and other Acts up till now?

Therefore, I say, three provisions are essential, namely the obligation for antecedent publicity, the necessity for adequate publication and the necessity for adequate parliamentary control. 'As soon as may be' is not adequate parliamentary control. From experience in U. K. we know that if the words 'as soon as may be' are there and if nothing is done, the Parliament can have no control.

Mr. Deputy-Speaker: The hon. Member is repeating.

Shri Pataskar: Therefore I would again appeal to the hon. Finance Minister that he will find it convenient to accept this innocent amendment which would not come in his way.

With these words, I commend my amendment.

Mr. Deputy-Speaker: The hon. Finance Minister...

Shri U. M. Trivedi: Is he accepting this amendment, Sir?

Mr. Deputy-Speaker: In almost every Bill we are discussing this point.

Shri S. S. More: It is a matter of principle, Sir.

Mr. Deputy-Speaker: The hon. Member is fully aware of all the points for and against such a position as this. Let us hear the hon. Finance Minister.

Shri Damodara Menon (Kozhikode): We must be given a chance to speak, Sir.

Shri S. S. More: Sir, he has tabled one amendment, No. 593, in which he says, after 'previous publication' insert, 'and subject to the control of the Central Government'. I think he is making an effort to create an impression that he is trying to appease the opponents. But, as a matter of fact I can refer him to the Central Board of Revenue Act, 1924. There it has been stated that the Central Board of Revenue after it is constituted shall be subject to the control of the Central Government in the exercise of such powers and the performance of such duties as may be entrusted to it by the Central Government by or under any law. In the light of this particular section, this is no further gain to the opponents who maintain that the Board should not be entrusted with any power subject to government control. That control is the remedy given to you by the 1924 Act.

Mr. Deputy-Speaker: What is the difference between the Government doing so and the Board doing so. The Board is working under the control of the Government. No doubt it is a statutory body. What is the difficulty if the Government takes it over? I am talking of practical administrative difficulty. Hitherto Parliament has not delegated the power of making rules to any other authority than the Government. The Government will do it either itself or through its agency of officers. Why should the old practice be departed from and what is the advantage gained?

Shri C. D. Deshmukh: We have already passed clauses which give the power to the Board.

Mr. Deputy-Speaker: Generally the rule-making power is given to the Government. What is the difficulty?

Shri C. D. Deshmukh: That may or may not be convenient. But, I say it is too late to start the argument as to what difference it makes. Already the power of making more important rules has vested in the Board. Only the residuary powers are to be made under clause 81. There are many clauses under which the power has been given to the Board by this House.

Mr. Deputy-Speaker: Control may not entitle the Government to interfere. Does control mean that Government can alter the rules made by the Board?

Shri C. D. Deshmukh: Government can certainly take notice of the rules. In the first place, the rules will not issue without the Government having seen them or approved of them.

Mr. Deputy-Speaker: We are told that if it is subject to control, the Government may not have the right to revise them. They may give some directions.

Shri C. D. Deshmukh: The directions which will be given will be obligatory on the Board. I think we are spending too much time on minutiae and methods of control as between the Government and the Central Board of Revenue.

Shri S. S. More: Sir, I want to know on procedural points. Suppose the Board makes these rules. Government being responsible to us, we can criticise the Government for certain acts of omission and commission. But possibly the Board may be criticized for framing a particular rule. It may be considered that the Board is not directly responsible to the House.

Mr. Deputy-Speaker: That may be one of the points. But the Parliament cannot go on criticising the Government.

Shri Gadgil: That makes no difference so far as Government's responsibility to the Parliament is concerned if you adopt the word "under the control of the Government" or keep the phrase

as it is. In either case Government is responsible to this House. Because whatever the expenses that are undertaken, so far as the activities of the Board are concerned they are incorporated in the budget for which the Finance Ministry is responsible to the Parliament.

Pandit Thakur Das Bhargava: Even the Central Government will not be able to alter the rules. If you give the power to the Board Government may be able to give only directions but the rules cannot be changed by them. When they come before the House, the House will not be able to say that the Board has gone out of their way. Therefore, there is no harm caused if the power is taken over by the Central Government directly. The Central Government will then be directly responsible to the Parliament.

Mr. Deputy-Speaker: In practice if the obnoxious rules are criticised by the Government, will not the Government ask the Board itself to modify them?

Pandit Thakur Das Bhargava: There are two different things. The House in itself will be in a position to alter the rules if the rules are made by the Central Government. If the rules are made by the Board.....

Mr. Deputy-Speaker: Unless there is a provision here, "subject to such modifications as the Parliament may make," notwithstanding the fact that the rules are framed by the Central Government, this Parliament will not be entitled to modify the rules if they are made and merely placed on the Table of the House.

Shri Gadgil: When the rules are made and laid before the House, it is open to any member to move a motion that the rules be taken into consideration and that the following rules be modified. But if after the rules are laid on the Table of the House nobody takes any interest it is not the fault of the procedure but it is due to the lack of care and vigilance on the part of Members of Parliament that there should be no move to modify, alter or cancel it.

Pandit Thakur Das Bhargava: By what provision?

Shri Gadgil: The annual budgetary statement of the Damodar Valley Corporation and the annual report are usually laid on the table of the House. It is open to any member to cringe a motion and require the House to consider the report or the statement.

Mr. Deputy-Speaker: I may cut short the discussion. Whatever might be the interpretation, I am not called upon to give an opinion but the reason is that there is no amendment here which says "the rules that are laid before the House of the Parliament shall be open to such modification as the Parliament might like."

Shri Gadgil: It is there.

Mr. Deputy-Speaker: Where is it? There is no amendment to that effect. both the amendments of Mr. Deshmukh and the original clause, as also the amendment by Shri Pataskar are always referring to laying before the House of the People. Let us not go into the question of what it means. "Laying" only means as any other paper is laid on the table of the House, only for the purpose of information and not for the purpose of modification. I do not want to treat it as a ruling. This House has no jurisdiction to modify the rules if merely they are placed on the table of the House for information, unless this House is given power to modify the rules that are framed by the Government. Unless this House can criticise in some form or other and give directions to the Central Government to modify those rules, it is left to the Government. If it does not then there are other ways other means for dislodging the Central Government. But there is no amendment moved by any hon. Member that this must be subject to revision by this House. Let there be no amount of misapprehension on this matter. The only question is whether "the Board" or the "Government".

Shri R. K. Chaudhury (Gauhati): Can I move an amendment?

Mr. Deputy-Speaker: I cannot allow him to move an amendment now. It is too late.

Shri Raghavachari: What difference does it really make because the Government has said "subject to the control of the Central Government". The language that "the Board will frame the rules" is subject to the control of the Central Government. Therefore, it is the Central Government which is deemed to make the rules. It will be consistent with the wishes of the House if the words "subject to the control" is retained. Is it that the Government wants to shirk the responsibility or do not want to take the responsibility of framing these rules themselves or is it that they want some convenient authority to do it?

Shri R. K. Chaudhury: I wish to oppose this clause.

Shri U. M. Trivedi: Sir, it is said that the word "previous publication" is defined in the General Clauses Act and therefore it must be published in the gazette. If that is the thing then I need not speak.

Mr. Deputy-Speaker: It is so.

Shri C. D. Deshmukh: I am sorry there has been so much ado about something which, as you have pointed out, is customarily accepted by the House. As you have observed, with all respect, the question of what Parliament can do does not really arise here. The only thing Parliament can do is to say there shall be no rule but everything possible that is intended to regulate this shall be in the Act. Now that has been found by experience to be quite impracticable.

Shri Pataskar: No, difficult.

Shri C. D. Deshmukh: I am only saying logic. Therefore, control of Parliament is a general control of Government. The Parliament can take the opportunity of drawing the attention of the Government to the sins of commission and omission in the rules that are brought to their notice and then it is for the Government to take notice of them. I should be very surprised if any Government connives at anything or is blind or deaf to anything that the House suggests. Every suggestion that is made by the House is bound to be considered with the greatest care and thought by the Government. Therefore, although there is no modification of the rules as such before they became operative, certainly the earliest opportunity will be taken of modifying them if the House by majority feels that way.

Shri S. S. More: How can the House have an opportunity to express?

Mr. Deputy-Speaker: The hon. Member has not thought of any amendment. The House still can have a resolution.

Shri S. S. More: The Finance Minister is still maintaining that the House shall have opportunity.....

Mr. Deputy-Speaker: It is always open to the hon. Members to point out the difficulty. The rules can be modified.

Shri C. D. Deshmukh: There is no other way open to the House except having everything included in the Act itself and since that is not possible, the House must have resort to this if the House feels sufficient interest. It is no use calling it cumbrous. It is part of the same democratic way in which control is exercised by the House over the Government.

Now as regards the rule making power to be vested either with the Board or with the Central Government, as I have said, we are partly going over the ground already covered. In many places specific powers are given to the Board. Now what we are dealing with are the residual powers. I am not prepared to say that all the residual powers are unimportant. There may be some important powers but it would be equally true to say that some matters will be of procedural nature. As it is, it does not call for any intimate exercise of control by Government.

Now control does not mean approval. If we were going to suggest that the rules shall be made with the approval of the Government then I can understand this position. There is nothing which stops us having it that way. Either the Government should do them or the Board should be allowed to issue them. As I understand control, and as the matter has been experienced with relation to this section 59 of the Income Tax Act they are minor matters. The Board just proceeds to issue the rules of the Income Tax Act with the wording "subject to the Control of the Central Government". They proceed to issue the rules and the control might go in perhaps *ipso facto*. In case if anything is discovered or brought to the notice of the Government, Government might draw attention of the House to them but if there is any important matter then it is the practice for the Board to send the draft rules to the Government before issue. Possibly Government may issue directives from time to time. Now, all this is comprised within the term "subject to the control of the Central Government." and I think that incorporates a valuable provision. Therefore, for the sake of consistency, as well as in the light of our actual experience, I can see no objection to the clause remaining as it is where it will be parallel to the similar clause in section 59 of the Income-tax Act. There are various other sections which we have taken more or less bodily from the Income-tax Act, variations which are only verbal, so as to suit this measure as in section 61, we are going to come back to it. Therefore, I think there is advantage in retaining the same scheme of things.

Now, as regards the provision for previous publication, that is a point easy to answer. Here again, one must not imagine something which is extraordinary. In trying to comment on a law, one should imagine the ordinary state of affairs. This point is governed by clause 23 of the General Clauses Act. It is a very long section, but I wish to read the first portion of it:

> "Where, by any Central Act or Regulation, a power to make rules or bye-laws is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then the following provisions shall apply, namely:—
>
> (1) the authority having power to make the rules or bye-laws shall, before making them, publish a draft of the proposed rules or bye-laws for the information of persons likely to be affected thereby;
>
> and also
>
> (2) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Central Government or the Provincial Government prescribes;

and there are other clauses: "there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration."

Mr. Deputy-Speaker: Is it anywhere stated, "in the official gazette"?

Shri C. D. Deshmukh: Yes; in the last clause. Sub-clause (5) says:

> "the publication in the Official Gazette of a rule or bye-law purporting to have been made in exercise of a power to make rules or bye-laws after previous publication shall be conclusive proof that the rule or bye-law has been duly made."

It is not precisely in the same form that it shall be published, but obviously this is the minimum that Government considers necessary. I should challenge any hon. Member to give an instance where important rules have not been published in the Official Gazette.

Shri Pataskar: Why leave it vague?

Mr. Deputy-Speaker: If it is not published in the Official Gazette, finally it will be open to challenge. That is why the Government will always take care to see that it is published in the Official Gazette.

Shri C. D. Deshmukh: This safeguards the position from the Government point of view, and I am astonished at the position taken up by the hon. Member.

What I was going to say is that under clause (2), we may have other modes of publication, and it is certainly open to us to take notice of the valuable suggestions made by the hon. Member if he said that it should be published in a newspaper, maybe in one newspaper, or two or three. It all depends on the view that one takes about the adequacy of publication and that may differ with the subject matter. It may be that we are very anxious that the public should know about this; then we publish it not only in one paper but in several language newspapers. Therefore, I say this clause, especially sub-clause (2) of the Clause 23 of the General Clauses Act gives very wide powers to Government, and unless the assumption is that Government is completely inept and is bent to suppress the rules that are made on this subject, one should assume that they will take advantage of the powers that have been given and take note of the suggestions that have been made. Therefore, I do not think it is necessary to include all these things and to encumber this clause by saying that it should be published in all the language newspapers and all that.

Now, the other question is about the term "convenience." It was put in there by the original draftsman, Sir B. N. Rau. If there had been any amendment just by itself to drop it, I should not have resisted it, so to speak. It is convenient to retain it, but if hon. Members feel that it looks very odd, I should have been prepared to drop it, but, as I said, there is no particular amendment to that effect.

Pandit Thakur Das Bhargava: It will be repeated in other enactments. That is the apprehension.

Shri C. D. Deshmukh: From the drafting of the other Bills now, if it had not been there, I am free to say that I would not have thought of including it.

Mr. Deputy-Speaker: It is convenient also. We are developing; we are not static.

Shri C. D. Deshmukh: Clauses 46 to 53: no one has thought it convenient to object to this. So it might be retained.

Mr. Deputy-Speaker: It may not be necessary but convenient.

Shri C. D. Deshmukh: Then, substituting "ten days" for "as soon as may be." I think the House will recall instances where the executive has been taken to task for not bringing any matter before the House. "As soon as may be" is itself after the publication of a notification. I think we have similar provisions in regard to export duties and so on. You will remember an occasion when an hon. Member came up with information as to when that export duty was imposed, with a calculation of what time had elapsed. Therefore, it is also a matter which is usually taken care of by the House and it is not, therefore, necessary to provide for every contingency and every ineptitude on the part of Government. Therefore, I think that is a usual formula and there is no need to depart from it.

Mr. Deputy-Speaker: That is your amendment?

Shri C. D. Deshmukh: I am justifying my own amendment. I move the amendment—No. 593—which of course I have already anticipated, because it inserts the words, "and subject to the control of the Central Government."

Shri S. S. More: An act of 1924 gives you the control.

Mr. Deputy-Speaker: By way of abundant caution.

Shri C. D. Deshmukh: Yes; by way of abundant caution.

The other amendment is a little more important. All rules made under the Act are subject to the condition of previous publication and the rules relating to controlled companies have also to be laid before the House of the

People after not less than 15 days. The Act must begin to operate on the commencement therefrom and if, in respect of the first set of rules, these conditions have to be complied with, it is possible that several cases where estate duty should be levied may escape. Consequently, a provision as outlined in the amendment seems necessary. But we have taken care to provide that the power can be exercised only with respect to the first set of rules, and the rules have to be laid before Parliament. I submit again that Parliament need not entertain any fear that this power will be misused. An alternative method of meeting the difficulty would have been to eliminate the requirements of the previous publication in the case of the first set of rules. In the Select Committee great emphasis was laid on previous publication as well as on laying the rules before Parliament. And it is for this reason that I have chosen the other alternative.

Mr. Deputy-Speaker: Retrospective effect from the date of the commencement of the Act—not from the date of passing of the Act. That is all. The question is...

Shri Pataskar: I have moved my amendment, and I hoped that the hon. Finance Minister may find it convenient to accept it. But in view of the fact that I have always been missing the bus, I would like to withdraw it. I may make one thing clear. There was no object of criticising the Government for ineptitude. Only from the constitutional point of view, I said so.

Mr. Deputy-Speaker: Why should he be so apologetic? He has got a right.

Shri Pataskar: Not apologetic. I was misunderstood as saying that I wanted to charge the Government with ineptitude.

Mr. Deputy-Speaker: Government is feeling that the hon. Member is not criticizing the Government sufficiently. Mr. Pataskar, does he withdraw his amendment?

Shri Pataskar: I beg leave to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

In page 35, line 47, *after* "previous publication" *insert* "and subject to the control of the Central Government."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 36, *after* line 2, *insert*:

"(1A) the power to make rules conferred by this section shall, on the first occasion of the exercise thereof, include the power to give retrospective effect to the rules or any of them from a date not earlier than the date of the commencement of this Act."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 81, as amended, stand part of the Bill."

The motion was adopted.

Clause 81, *as amended, was added to the Bill.*

New Clause 82

Mr. Deputy-Speaker: Will the amendment No. 206 proposed by Shri Tulsidas not be inconsistent with the previous provisions: shall I rule it out of order?

Shri N. Somana (Coorg): It would also be inconsistent with clause 72(3).

Mr. Deputy-Speaker: It is a charge upon the particular property. There is a similar provision in the Civil Procedure Code.

My difficulty is this. Government is given power to exempt. Now he wants some other agency also to be given power to exempt.

Shri Tulsidas: Please give me a chance to convince you. I beg to move:

[Shri Tulsidas]

In page 36, *after* line 4, *insert*:

"82. The Board shall have powers by Notification in the Government Gazette to exempt any class of estates and in particular small estates from all or any of the provisions of this Act subject to such conditions as the Board may prescribe."

I would like to point out that under the different clauses, namely, 33, 51 and 55 estates within the exemption limit will also have first to approach Government before they can sell or do anything with their property. I feel that even smaller estates which are within the exemption limit of Rs. 50,000 or Rs. 1 lakh, particularly people in possession of immovable property, or shares, will have to go to the Controller to get a certificate before they dispose of or sell them. This will cause tremendous difficulties to the smaller estates especially. I may not have couched my amendment in proper language, my drafting may be poor—I am not a lawyer, I have put it in my own way. But I feel that there must be some power in the hands of the Government or the Board to exempt those estates at least which are within the exemption limit. Otherwise everybody will have to go to the Controller, to obtain a certificate.....

Shri C. D. Deshmukh: Why?

Shri Tulsidas: Because you have restricted transfers of properties. You have got the first charge on the property. Who is going to buy the property of anyone who is dead without his heirs first getting an exemption certificate? Nobody will buy them. It will be considered as a property which is not transferable, because the person who buys them will have a misgiving that it will not be within the exemption limit. How is he to know?

Mr. Deputy-Speaker: The man who sells it would know it.

Shri Tulsidas: But he will have to produce an exemption certificate. In our country no one goes in for letters of administration or probate, as is the practice in the United Kingdom. For example let us take an estate which may be worth two lakhs of rupees; it may be the property of a Joint Hindu family, there may be coparceners to the extent of four or five, but still the property may be within the exemption limit. But how is it to be proved, except by production of an exemption certificate? It will not be possible, in actual practice, for anyone to sell his property unless the Controller issues a certificate of exemption. That is my apprehension. If Government, however, feels that it is not so, I am quite willing to accept their opinion. But I feel that there should be certain powers to exempt certain estates.

Mr. Deputy-Speaker: Can't rules be framed to that effect?

Shri C. D. Deshmukh: The difficulty is not about the law here. The difficulty, which the hon. member has pointed out, is in regard to transactions between two people. Now there must be an exercise of commonsense on the part of the buyer. What he says is that no one will buy the property of a dead person, for fear that there may be a charge on that property. The only answer to that can be not anything we can provide here in the law, because then we shall have to take away the charge on such property. The only remedy is.....

12 NOON

An Hon. Member: Consult a lawyer!

Shri C. D. Deshmukh: Not so much consultation with a lawyer, but a general knowledge of the status of the man who is dead. In a country where 90% of the people are poor, with an average income of Rs. 265 per year, I do not suppose that this will be a difficulty that will arise, except in regard to marginal cases. What we are providing in section 51(3) is of course for a person

who feels that an estate duty is payable. The choice is with him. He may be quite certain that no estate duty is payable, in which case he need not give an account. Therefore, although there may be a difficulty—I am not denying there will not be a difficulty—it could not be surmounted by the particular amendment suggested by the hon. member. Legally it is impossible to determine what a small estate is. How can a general power be given to the Central Board of Revenue? How does the prospective purchaser know that the Central Board is going or not going to exempt a small estate?

Mr. Deputy-Speaker: The same difficulty would arise under the Hindu law. Some risk has to be taken in marginal cases.

So, the question is:

In page 36, *after* line 4, *insert*:

"82. The Board shall have powers by Notification in the Government Gazette to exempt any class of estates and in particular small estates from all or any of the provisions of this Act subject to such conditions as the Board may prescribe."

The motion was negatived.

Clause 61.—(*Appeal against etc.*)

Mr. Deputy-Speaker: Before I proceed I would like to know whether any agreed formula has been evolved.

Shri U. M. Trivedi: I have been instructed by Shri Chatterjee to move this amendment.

Shri S. S. More: Can't we postpone discussion on this?

Mr. Deputy-Speaker: The hon. Member at a moment's notice can bring an amendment if there is any insurmountable difficulty.

Shri U. M. Trivedi: I beg to move:

(1) In page 28, *for* lines 44 to 50, *substitute*:

"61. *Appeal against determination by Controller.*—(1) Any person—

(a) objecting

(i) to any valuation made by the Controller, or

(ii) to any order made by the Controller determining the estate duty payable, or

(iii) to any penalty levied by the Controller under section 54, or

(iv) to any final order or adjudication having the effect of imposing a liability or an obligation to pay estate duty in respect of any property, or

(b) denying his liability to account for the estate duty payable in respect of any property, or

(c) objecting to any order made by the Controller refusing to grant a certificate of discharge or any other certificate under this Act,

may, within ninety days of the date of the receipt of the notice of demand under section 56 in the cases specified in clauses (a) and (b), and within ninety days of the date of the order in the cases specified in clause (c), appeal to the Board in the prescribed form which shall be verified in the prescribed manner."

(2) In page 29, *after* line 21 *insert*:

"(4A) The valuers may, in disposing of any matter referred to them for arbitration under subsection (4), hold or cause to be held such inquiry as they think fit, and, after giving the appellant and the Controller an opportunity of being heard, pass such orders thereon as they think fit and shall send a copy of such order to the appellant and to the Board."

Mr. Deputy-Speaker: I think we have discussed this at length, and this is only drafting.

The question is:

In page 28, *for* lines 44 to 50, *substitute*:

[Mr. Deputy-Speaker]

"61. *Appeal against determination by Controller.*—(1) Any person—

(a) objecting

(i) to any valuation made by the Controller, or.

(ii) to any order made by the Controller determining the estate duty payable, or

(iii) to any penalty levied by the Controller under section 54, or

(iv) to any final order or adjudication having the effect of imposing a liability or an obligation to pay estate duty in respect of any property, or

(b) denying his liability to account for the estate duty payable in respect of any property, or

(c) objecting to any order made by the Controller refusing to grant a certificate or discharge or any other certificate under this Act,

may, within ninety days of the date of the receipt of the notice of demand under section 56 in the cases specified in clauses (a) and (b), and within ninety days of the date of the order in the cases specified in clause (c), appeal to the Board in the prescribed form which shall be verified in the prescribed manner."

The motion was adopted.

Mr. Deputy-Speaker The question is:

In page 29, *after* line 21 *insert*:

"(4A) The valuers may, in disposing of any matter referred to them for arbitration under sub-section (4), hold or cause to be held such inquiry as they think fit, and, after giving the appellant and the Controller an opportunity of being heard, pass such orders thereon as they think fit and shall send a copy of such order to the appellant and to the Board."

The motion was adopted.

Mr. Deputy-Speaker: These amendments cover the amendments held over the other day.

The question is:

"That clause 61, as amended, stand part of the Bill."

The motion was adopted.

Clause 61, as amended, was added to the Bill.

Shri N. Somana: I have got a doubt in sub-section (4), Sir.

Mr. Deputy-Speaker: Let it continue. We argued this matter and discussed it at length. Let there be an amending Bill later, if necessary.

Shri N. Somana: It only says that a reference has to be made to an arbitrator, but what will happen to his decision?

Mr. Deputy-Speaker: Only in cases of difference of opinion between the two valuers, it will be referred to a third valuer.

Shri K. K. Basu: Further sub-section (3) says "subject to the provisions of sub-section (4)" the Board may pass such orders as it thinks fit.

First Schedule

Amendments made:

(1) In page 36, line 5, *for* "THE SCHEDULE" *substitute* "THE FIRST SCHEDULE".

(2) In page 36, *after* line 10, *insert* "Punjab".

(3) In page 36, *after* line 12, *insert* "Madhya Bharat".

(4) In page 36, *after* line 14, *insert* "All Part C States".

—[*Shri C. D. Deshmukh.*]

Mr. Deputy-Speaker: The question is:

"That the First Schedule, as amended, stand part of the Bill."

The motion was adopted.

The First Schedule, as amended, was added to the Bill.

Second Schedule

Shri C. D. Deshmukh: I beg to move Amendment No. 637, with the consequential change required in Part II thereof, *viz.*—

(i) in entry (1), *for* Rs. 75,000, *substitute* "Rs. 1,00,000".

(ii) omit entry (2) and re-number the remaining entries.

I beg to move:

In page 36, *after* line 14, *add*:

"THE SECOND SCHEDULE

(See sections 5, 34 and 80)

Rates of Estate Duty

PART I

In the case of property which consists of an interest in the joint family property of a Hindu family governed by the Mitakshara, Marumakkattayam or Aliyasantana law,—

	Rs.		*Rate of Duty*
(1) on the first	50,000	of the principal value of the estate	Nil.
(2) on the next	50,000	Do.	5 per cent
(3) on the next	50,000	Do.	7½ ,,
(4) on the next	50,000	Do.	10 ,,
(5) on the next	1,00,000	Do.	12½ ,,
(6) on the next	2,00,000	Do.	15 ,,
(7) on the next	5,00,000	Do.	20 ,,
(8) on the next	10,00,000	Do.	25 ,,
(9) on the next	10,00,000	Do.	30 ,,
(10) on the next	20,00,000	Do.	35 ,,
(11) on the balance of the principal value of the estate			40 ,,

PART II

In the case of property of any other kind—

	Rs.		*Rate of Duty*
(1) on the first	1,00,000	of the principal value of the estate	Nil.
(2) on the next	50,000	Do.	7½ per cent
(3) on the next	50,000	Do.	10 ,,
(4) on the next	1,00,000	Do.	12½ ,,
(5) on the next	2,00,000	Do.	15 ,,
(6) on the next	5,00,000	Do.	20 ,,
(7) on the next	10,00,000	Do.	25 ,,
(8) on the next	10,00,000	Do.	30 ,,
(9) on the next	20,00,000	Do.	35 ,,
(10) on the balance of the principal value of the estate			40 ,,

PART III

In the case of shares held by a deceased member in any such company as is referred to in sub-section (1) of section 80—

	Rate of Duty
(1) If the principal value of the shares does not exceed Rs. 5,000	Nil
(2) If the principal value of the shares exceeds Rs. 5,000	7½ per cent ,,

Mr. Deputy-Speaker: What are the amendments to this? I have already given my ruling in this matter.

Shri Gadgil: All the increases above 40% are gone. Each increase occurs from stage to stage. Has anybody worked it out?

Shri S. S. More: Suppose without disturbing the whole scheme or making it an additional burden, if at intermediate stages some rates are sought to be increased or decreased the result is that the picture is not disturbed.

Mr. Deputy-Speaker: The House is the representative of the people. Wherever it seeks to decrease the rates, no permission is necessary, but if it wants an increase, it can't be justified on the ground that the general picture is not disturbed. The hon. Member is not the Finance Minister. The point is that it ought not to be increased anywhere.

I am judging from that standard.

Shri R. D. Misra (Bulandshahr Distt.) I wish to move my amendment No. 748.

Mr. Deputy-Speaker: Then about Shri H. N. Mukerjee's amendment—No. 735—the President's recommendation has not been given. Is he moving?

Shri K. K. Basu: If it is not barred.

Mr. Deputy-Speaker: Let me see if any portion here is in order.

The Deputy Minister of Finance (Shri M. C. Shah): The President's permission has not been given.

Mr. Deputy-Speaker: I know. Without the President's sanction I am trying to see how far it is in order. Items (4) to (15) go out. The other items are unnecessary as they are already contained in the amendment of Mr. C. D. Deshmukh. I am sorry, the whole thing has to go out Let me see Part II.

Pandit Thakur Das Bhargava: To Part I there are other amendments.

Mr. Deputy-Speaker: I am disposing of one amendment after another. What does it say in Part II?

Shri S. S. More: It is reduction.

Mr. Deputy-Speaker: Then it is allowed. He goes on reducing, is it?

Shri U. M. Trivedi: He is *Dayabhag*, Sir.

Mr. Deputy-Speaker: Very well. Hon. Members themselves will kindly tell me how far their amendments are in order and how far they are not in order.

Shri H. N. Mukerjee (Calcutta North-East): You may save yourself the trouble, Sir.

Mr. Deputy-Speaker: No. 735 is not pressed.

Shri Morarka (Ganganagar-Jhunjhunu): Sir, I am moving No. 681 except the last two lines which are out of order. I move the first seven items. Items (viii) and (ix) are out of order.

Mr. Deputy-Speaker: So, No. 681, with that modification, is moved.

Shri Chandak (Betul): Sir, I want to move No. 708.

Mr. Deputy-Speaker: Is the whole thing in order?

Shri Chandak: Yes, Sir.

Shri Mulchand Dube (Farrukhabad Distt.—North): I want to move amendment Nos. 709, 710 and 712.

Shri Krishna Chandra (Mathura Distt.—West): I wish to move No. 738.

Pandit Thakur Das Bhargava: I wish to move No. 749 and No. 750.

Mr. Deputy-Speaker: Then, No. 730 by Pandit S. C. Mishra. Is he moving it? Is it in order?

Pandit S. C. Mishra (Monghyr North-East): Yes, Sir. The ceiling of 40 per cent. has been reduced to 30, on page 5.

Mr. Deputy-Speaker: The hon. Member must be judge of his own cause.

Pandit S. C. Mishra: It should be the Finance Minister. It brings more revenue.

Mr. Deputy-Speaker: I do not want to spend time in seeing whether it is high or low. Let him pass on a note as to what are the portions which are in order according to my ruling.

Shri Chandak: I wish to move No. 714. It is in order, Sir.

Shri Mulchand Dube: I wish to move Nos. 715, 716 and 717.

Pandit S. C. Mishra: I want to move amendment No. 731 so far as it falls in order under your ruling.

Shri Raghavachari: Only the last item is in order: not the rest of it.

Mr. Deputy-Speaker: It will be taken in the amended form. No. 664 by Shri M. S. Gurupadaswamy: Out of order. The amendment of Shri V. Missir seems to be out of order. If per chance hon. Members can bring it within the ruling, I am prepared to take them. Amendment No. 719: seems to be out of order; 665: out of order.

Shri R. D. Misra: I beg to move:

That in the amendment proposed by Shri C. D. Deshmukh, *for* the Second Schedule *substitute*:

"THE SECOND SCHEDULE

(See sections 5, 34 and 80)

Rates of Estate Duty

PART I

In the case of property which consists of an interest in the joint family property of a Hindu family governed by the Mitakshara, Marumakkattayam or Aliyasantana law,—

Scale of Rates of Estate Duty

Principal value of estate		Rate per cent. of duty
	Rs.	Rs.
(1) Exceeding	50,000	1
(2) Exceeding	1,00,000	2
(3) Exceeding	1,50,000	3
(4) Exceeding	2,00,000	5
(5) Exceeding	2,50,000	7
(6) Exceeding	3,00,000	10
(7) Exceeding	3,50,000	12
(8) Exceeding	4,00,000	15
(9) on the next	5,00,000	20
(10) on the next	10,00,000	25
(11) on the next	10,00,000	30
(12) on the next	20,00,000	35
(13) on the balance of the principal value of the estate		40

PART II

In the case of property of any other kind—

Principal value of estate		Rate per cent. of duty
	Rs.	Rs.
(1) Exceeding	1,00,000	1
(2) Exceeding	1,50,000	2
(3) Exceeding	2,00,000	3
(4) Exceeding	2,50,000	5
(5) Exceeding	3,00,000	7

[Shri R. D. Misra]

Principal value of state		Rate per cent. of duty
	Rs.	Rs.
(6) Exceeding	3,50,000	10
(7) Exceeding	4,00,000	12
(8) Exceeding	4,50,000	15
(9) on the next	5,00,000	20
(10) on the next	10,00,000	25
(11) on the next	10,00,000	30
(12) on the next	20,00,000	35
(13) on the balance of the principal value of the estate		40

PART III

In the case of shares held by a deceased member in any such company as is referred to in sub-section (1) of section 80—

	Rate of Duty
(1) If the principal value of the shares does not exceed Rs. 5,000	Nil.
(2) If the principal value of the shares exceeds Rs. 5,000	7½ per cent.

Shri Morarka: I beg to move:

In the amendment proposed by Shri C. D. Deshmukh in Part I,

(i)	In item No.	(2)	*for*	"5"	*substitute*	"1"
(ii)	,,	(3)	*for*	"7½"	,,	"2"
(iii)	,,	(4)	*for*	"10"	,,	"4"
(iv)	,,	(5)	*for*	"12½"	,,	"7½"
(v)	,,	(6)	*for*	"15"	,,	"12½"
(vi)	,,	(7)	*for*	"20"	,,	"17½"
(vii)	,,	(8)	*for*	"25"	,,	"22½"

Shri Chandak: I beg to move:—

In the amendment proposed by Shri C. D. Deshmukh, Part I, for items (2) to (7), *substitute*:

	Rs.			
(2) on the next	50,000	of the principal value of the estate	2½	per cent.
(3) on the next	50,000	Do.	4	,, ,,
(4) on the next	50,000	Do.	5	,, ,,
(5) on the next	1,00,000	Do.	7½	,, ,,
(6) on the next	2,00,000	Do.	10	,, ,,
(7) on the next	5,00,000	Do.	15	,, ,,

Shri Mulchand Dube: I beg to move:

In the amendment proposed by Shri C. D. Deshmukh, in Part I, item (2) *for* "(5) per cent" *substitute* "3 per cent."

Shri Mulchand Dube: I beg to move:

In the amendment proposed by Shri C. D. Deshmukh in Part I, item (3) *for* "7½ per cent" *substitute* "5 per cent."

Shri Mulchand Dube: I beg to move:

In the amendment proposed by Shri C. D. Deshmukh, in Part I, item (4) *for* "10 per cent" *substitute* "7½ per cent."

Shri Krishna Chandra: I beg to move:

In the amendment proposed by Shri C. D. Deshmukh, in item (2) of Part I, *for* "5 per cent" *substitute* "2 per cent."

Pandit Thakur Das Bhargava: I beg to move:

In the amendment proposed by Shri C. D. Deshmukh, in item (2) of Part I, *for* "5 per cent" *substitute* "Nil".

Shri Chandak: I beg to move:

In the amendment proposed by Shri C. D. Deshmukh, in Part I, *for* items (2) to (7), *substitute*—

	Rs.		per cent.
(2) on the next . . .	50,000	of the principal value of the estate	2½
(3) on the next . . .	50,000	Do.	4
(4) on the next . . .	50,000	Do.	5
(5) on the next . . .	1,00,000	Do.	7½
(6) on the next . .	2,00,000	Do.	10
(7) on the next . . .	5,00,000	Do.	15

Shri Mulchand Dube: I beg to move:

In the amendment proposed by Shri C. D. Deshmukh, in Part I, item (2) *for* "(5) per cent" *substitute* "3 per cent."

Shri Mulchand Dube: I beg to move:

In the amendment proposed by Shri C. D. Deshmukh, in Part I, item (3) *for* "7½ per cent" *substitute* "5 per cent."

Shri Mulchand Dube: I beg to move:

In the amendment proposed by Shri C. D. Deshmukh, in Part I, item (4) *for* "10 per cent" *substitute* "7½ per cent."

Shri Krishna Chandra: I beg to move:

In the amendment proposed by Shri C. D. Deshmukh, in item (2) of Part I, *for* "5 per cent" *substitute* "2 per cent."

Pandit Thakur Das Bhargava: I beg to move:

In the amendment proposed by Shri C. D. Deshmukh, in item (2) of Part I, *for* "5 per cent" *substitute* "Nil".

Pandit Thakur Das Bhargava: I beg to move:

In the amendment proposed by Shri C. D. Deshmukh, in item (2) of Part I, *for* "5 per cent" *substitute* ".01 per cent."

Pandit S. C. Mishra: Sir, I beg to move:

In the amendment proposed by Shri C. D. Deshmukh in Part I, *for* items (5) to (11) *substitute*—

	Rs.		per cent
(5) on the next . . .	50,000	of the principal value of the estate	12½
(6) on the next . . .	50,000	Do.	15
(7) on the next . . .	50,000	Do.	17½
(8) on the next . . .	50,000	Do.	20
(9) on the next . . .	50,000	Do.	22½
(10) on the next . . .	50,000	Do.	25
(11) on the next . . .	50,000	Do.	27½
(12) on the next . . .	50,000	Do.	30
(13) on the next . . .	50,000	Do.	32½
(14) on the next . . .	50,000	Do.	35
(15) on the next . . .	50,000	Do.	37½
(16) on the balance of the principal value of the estate			40

Shri Chandak: I beg to move:

In the amendment proposed by Shri C. D. Deshmukh in Part II, *for* items (2) to (7), *substitute*—

	Rs.		per cent
(2) on the next . . .	50,000	on the principal value of the estate	2½
(3) on the next . . .	50,000	Do.	4
(4) on the next . . .	50,000	Do.	5
(5) on the next . .	1,00,000	Do.	7½
(6) on the next . . .	2,00,000	Do.	10
(7) on the next . . .	5,00,000	Do.	15

Shri Mulchand Dube: I beg to move:

(i) In the amendment proposed by Shri C. D. Deshmukh, in Part II, item (2) *for* "(5) per cent" *substitute* "3 per cent.".

(ii) In the amendment proposed by Shri C. D. Deshmukh, in Part II, item (3) *for* "7½ per cent" *substitute* "5 per cent".

(iii) In the amendment proposed by Shri C. D. Deshmukh, in Part II, item (4) *for* "10 per cent" *substitute* "7½ per cent".

Pandit S. C. Mishra: I beg to move:

In the amendment proposed by Shri C. D. Deshmukh in Part II, *for* items (5) to (11) *substitute*—

	Rs.		per cent
(5) on the next . . .	50,000	of the principal value of the estate	12½
(6) on the next . . .	50,000	Do.	15
(7) on the next . . .	50,000	Do.	17½
(8) on the next . . .	50,000	Do.	20
(9) on the next . . .	50,000	Do.	22½
(10) on the next . . .	50,000	Do.	25
(11) on the next . . .	50,000	Do.	27½
(12) on the next . . .	50,000	Do.	30

Mr. Deputy-Speaker: All the amendments, including the amendment of the Finance Minister and the amendments to the amendment and the new Schedule are before the House for discussion.

Shri Jhunjhunwala: How is my amendment No. 736 out of order?

Mr. Deputy-Speaker: I will ask him to judge for himself.

Shri Jhunjhunwala: It is in order.

Mr. Deputy-Speaker: All right; I shall note it as moved, subject to further verification.

Shri Jhunjhunwala: I beg to move:

In the amendment proposed by Shri C. D. Deshmukh, in Part I, item (2) *for* "5 per cent" *substitute* "2 per cent."

Mr. Deputy-Speaker: The Finance Minister.

Shri C. D. Deshmukh: I will reserve my remarks to the end.

Mr. Deputy-Speaker: Shri A. M. Thomas: He has not moved any amendment.

Shri A. M. Thomas: I wish to speak on the Schedule.

Mr. Deputy-Speaker: I will come to him later. I shall first of all call upon the hon. Members who have moved amendments. Pandit Thakur Das Bhargava.

पंडित ठाकुर दास भार्गव : जनाब डिप्टी स्पीकर साहब, मैं ने दो अमेंडमेंट्स का नोटिस दिया है, एक ७४९ और दूसरा ७५०। ७५० की रू से मैं यह चाहता हूं कि देशमुख साहब के अमेंडमेंट के आइटम नम्बर २ में ५ के बजाय 'निल' रख दिया जाय, और मेरा दूसरा आल्टर्नेटिव अमेंडमेंट यह है कि अगर वहां 'निल' न रक्खा जा सके. तो फिर उस के बजाय ·०१ पर्सेंट रख दिया जाय ।

इन दोनों अमेंडमेंट्स के मुलाहिजे से वाजेह हो गया होगा कि दरअस्ल मेरी कोशिश यह है कि जो डिस्क्रिमिनेशन हाउस ने इस वक्त मंजूर फरमा लिया है, ५०,००० और एक लाख का उस को जहां तक हो सके, इस शेडयूलड के जरिये या इन दोनों अमेंडमेन्ट के जरिये बराबर कर दिया जाय । या जो कम से कम तमीज हो सकती है वह रक्खी जाय ।

मैं जनाब वाला की खिदमत में यह अर्ज करना चाहता हूं कि दरअस्ल यह जो एमेंडमेन्ट किया गया है वह सिर्फ इतना ही नहीं है कि अब तक जितने उसूल हम मानते चले आये हैं उन के खिलाफ है, बल्कि यह एक अजीब चीज वाक्य हो गई है जो न कभी किसी लेजिस्लेटर के दिमाग में आई और न कभी फाइनेन्स मिनिस्टर के दिमाग में थी न ही कभी पहले बिल में थी। जब पहले सन् १९२४ में टैक्सेशन इन्क्वायरी कमेटी के सामने यह सवाल उठा तो उन को दिक्कत वाक्य हुई कि हिन्दू मिताक्षरा फैमिली के बारे में हम क्या करें। हिन्दू ला के जो उसूल हैं वह कहीं आब्स्टैकल न हों। लेकिन उन्हों ने यह करार दिया कि कोई वजह नहीं है कि ज्वाइंट हिन्दू फैमिली को टैक्स करने में कोई आब्स्टैक्ल पैदा हो और मौत की वजह से दूसरों का जो इन्टरैस्ट होता है वह पास आन न होता हो। जब नया बिल सन् १९४६ में आया, मेरे पास वह बिल भी मौजूद है और सेलैक्ट कमेटी की रिपोर्ट भी मौजूद है, उस के अन्दर एक लाख की जो सीमा रक्खी गई थी वह हर एक के वास्ते एक ही थी । उस में किसी तरह की तमीज मिताक्षरा और दायभाग में या हिन्दू, मुस्लिम और क्रिश्चियन में नहीं की गई थी । चुनांचे जब सैलैक्ट कमेटी में मामला गया तो मिताक्षरा फैमिली के वास्ते कुछ रियायतें रक्खी गयीं। वहां यह कहा गया कि मिताक्षरा ज्वाइंट फैमिली का जो मैम्बर हो उस पर टैक्स न रहे अगर वह १८ साल की उम्र से पहले मर जावे। लेकिन सैलेक्ट कमेटी ने भी उस एक लाख की लिमिट को रक्खा और ऐग्जेम्प्शन में किसी तरह का डिफरेन्शिएशन मिताक्षरा और दयाभाग में नहीं किया । जब हाउस में यह बिल आया तो भी उस में कोई तमीज नहीं थी । लेकिन मेरी हैरानी की हद्द नहीं रही जब इस सैलेक्ट कमेटी ने पचास हजार और एक लाख की सीमा कायम कर दी। अब अगर आप इस फर्क को मुलाहिजा फरमायेंगे तो इसके वास्ते कोई जवाज नहीं है कि क्यों यह फर्क रक्खा जाय। मगर अब चूंकि दफा ३४ हाउस में पास हो चुकी है मैं इस के खिलाफ कुछ नहीं कहना चाहता क्योंकि उस के खिलाफ कहना अब ठीक भी नहीं है । लेकिन अब शैडयूल हमारे पास आया है, शेडयूल का वही असर है जो किसी सैक्शन का असर है, इस लिये मैं इस बिल के अन्दर यह दुरुस्ती चाहता हूं कि यह तमीज जो हाउस ने एक तरह से नामुनासिब तौर पर गलती से पास करदी, उस का असर जायल हो जाय ।

[श्री पाटस्कर अध्यक्ष-पद पर आसीन हुए]

[पंडित ठाकुर दास भार्गव]

सवाल यह पैदा होता है कि आया इस को करने का क्या असर पैदा होगा और जो मिताक्षरा फैमिली का मैम्बर होगा उस के ऊपर यह कानून लागू करना जायज होगा या नहीं ।

श्री आर० डी० मिश्र: हाउस ने क्या कर दिया ?

पंडित ठाकुर दास भार्गव: हाउस ने जो डिस्टिंक्शन कर दिया वह मेरी नाकिस राय में मुनासिब नहीं था। लेकिन चूंकि हाउस ने फैसला कर दिया है, मैं यह नहीं चाहता कि उस फैसले पर कोई ऐसी बात कहूं जिस का मतलब उस फैसले को मिटाना हो जाय । इसलिये इस शैड्यूडल के अन्दर जो तरमीमें रखी गई हैं वह ऐसी हैं कि बावजूद इस के कि हम दफा ३४ पास कर चुके हैं .....

श्री आर० डी० मिश्र : क्या यहां पर भार्गव साहब यह कह सकते हैं कि इस हाउस ने यह फैसला गलत कर दिया । यह तो इस हाउस के ऊपर एतराज है कि यह फैसला गलत कर दिया गया है । मैं समझता हूं कि हाउस ने फैसला गलत किया, यहां नहीं कहा जा सकता है ।

Mr. Chairman: There is no point of order. The hon. Member may carry on.

पंडित ठाकुर दास भार्गव : मैं अदब से अर्ज करूंगा कि हाउस क नजदीक यह कहना कि यह फैसला हाउस ने गलत कर दिया है, यह हाउस की तौहीन नहीं है। हम यहां पर रोज कहते हैं कि लेजिस्लेटर्स ने गलती कर दी । हम इस बात को हमेशा कह सकते हैं कि मैं इस चीज को गलत समझता हूं कि हाउस कोई डिस्टिंक्शन करने का काम करे । मैं यहां पर एक एक मैम्बर की उतनी इज्जत करता हूं जितनी की उस की होनी चाहिये । लेकिन मैं हाउस के फैसले को जरूर गलत कह सकता हूं । मैं अपने आनरेबुल दोस्त, श्री टी० टी० कृष्णमाचारी की और अपने बहुत पुराने मैम्बर गाडगिल साहब की कितनी इज्जत है, वह सब को मालूम है । लेकिन इस के माने यह नहीं हैं कि अगर कोई फैसला यह लोग गलत करें तो मैं उसे कहूं नहीं कि यह फैसला गलत है ।

श्री आर० डी० मिश्र : उन की गलतियों से आप को कितनी मुहब्बत है ?

Mr. Chairman: There is no point of order. The hon. Member may carry on.

Shri C. D. Deshmukh: The only point of order is, when in clause 34 we have approved of two exemption limits and if we now want to modify the Schedule in a consequential way, is it open to the hon. Member now to say that the second 50,000 shall also be Nil, the effect of which is that the exemption limit on both Mitakshara and Dayabhaga becomes one lakh. Therefore, is it not barred? The other thing he says is this. Make it nominal. For all practical purposes, this :01 per cent or whatever it is, it is almost nil. Technically you may say that it is not barred. It is open to the hon. Member to say, well, instead of 5 per cent make it 2. That is another matter, that would not be barred.

पंडित ठाकुर दास भार्गव : मैं अदब से अर्ज करूंगा कि दोनों अमेंडमेंट बिल्कुल दुरुस्त हैं । दूसरे अमेंडमेंट के बारे में तो फाइनेन्स मिनिस्टर साहब ने फरमा ही दिया है । मैं ने यह समझा कि शायद पहले पर ऐतराज हो । इसलिये मैं ने दूसरा अमेंडमेंट रखा था । आप ·०५ रखें या आप बिल्कुल चार्ज न करें यह आप की अख्तियार है । तो भी दूसरा अमेंडमेंट इन आर्डर है । मैं दफा ३४ को रिव्यू नहीं करता । लेकिन शिड्यूल में आप को

अख्तियार है कि आप निल कर दें। लिमिट वही रहेगी पर आप को अख्तियार है कि आप चार्ज न करें। बहरसूरतदूसरे अमेंडमेंट पर तो फाइनेन्स मिनिस्टर साहब ऐतराज नहीं करते। ०५ से भी कुछ न कुछ तो आप के खजाने में आ जायगा, लाखों रुपया आप के काफर्स में आजायगा। मेरे वास्ते दोनों अमेंडमेंट एक तरह के हैं। अगर फाइनेन्स मिनिस्टर साहब को पहले पर ऐतराज है तो दूसरे को मंजूर फरमा लें।

जनाब वाला, मेरी अदब से गुजारिश है और मैं बड़े दुःख और तकलीफ से दो चार बातें फाइनेन्स मिनिस्टर साहब की खिदमत में पेश करना चाहता हूं और वे ये हैं।

सब से पहले सवाल यह पैदा होता है कि यह स्टेट ड्यूटी किस चीज पर लगनी चाहिये। जिस दिन से यह स्टेट ड्यूटी का सवाल चला है पहले सन् १९२४ में टैक्सेशन इन्क्वायरी कमेटी के सामने सन् ४६ के ऐक्ट में और सन् ५२ में, उस में यह लिखा हुआ है कि जब एक शक्स मर जाता है तो उस की जायदाद जो दूसरों पर जाती है उस पर यह स्टेट ड्यूटी लगायी जायेगी। मेरी अदब से गुजारिश है कि 'ए' के मरने के बाद अगर उस की जायदाद २५ हजार या ५० हजार या एक लाख की है आप को उस से ज्यादा पर टैक्स लगाने का अख्तियार नहीं है। अगर आप यह उसूल दुरुस्त समझते हैं तो मैं अदब से अर्ज करूंगा कि आप ने एक ऐसी तमीज रवा रखी है कि जो हमारे कांस्टीट्यूशन के खिलाफ है, हमारी सिक्यूलर स्टेट के खिलाफ है और दुनिया भर के टैक्सेशन के जितने कानून हैं उन के खिलाफ है।

श्री झुनझुनवाला : इनकम टैक्स में है।

पंडित ठाकुर दास भार्गव : मेरे पीछे से मिस्टर रोहिणी कुमार जी के कहने पर यह तमीज रवा रखी गई है, उन के कहने पर यह कहा जाता है कि यह इनकम टैक्स में रवा है इसलिये इस में भी इस को रवा कर दिया गया है। मैं और सब बातों को छोड़ कर सब से पहले इसी बात को एग्जामिन करना चाहता हूं कि यह जो इनकम टैक्स में रवा रखी गई है यह कहां तक दुरुस्त है। जनाब वाला को मालूम है कि पिछले ८० वर्ष से मिताक्षरा ज्वाइंट हिन्दू फैमिली पर किस कद्र जुल्म है कि एक इंडीवीजुअल को और एक ज्वाइंट फैमिली को एक ही बेसिस पर रखा जाता है। मैं ने इस के खिलाफ बार बार सख्त आवाज उठाई है। मैं सन् २८ से इस के खिलाफ आवाज उठाता रहा हूं और बीस बरस बाद सन् ४८ में जान मथाई साहब ने यह महसूस किया कि मेरी आवाज में असर था और हिन्दू ज्वाइंट फैमिली के साथ इन्साफ नहीं हो रहा है। चुनांचे उन्हों ने सन् १९४८ में उस की लोअर लिमिट को डबल कर दिया : आज इंडीवीजुअल के वास्ते ४,२०० है तो ज्वाइंट हिन्दू फैमिली के वास्ते ८,४०० है। मैं ने समझा था कि यह पहला कदम है और आगे चल कर यह तमीज बिल्कुल मिट जायेगी। चुनांचे इंवेस्टीगेटिंग कमीशन ने जब अपनी रिपोर्ट लिखी तो उन्हों ने यह करार दिया कि अगर ज्वाइंट हिन्दू फैमिली में तीन या तीन से ज्यादा मैम्बर हों तो ८,४०० नहीं बल्कि लिमिट तीन गुनी होनी चाहिये। वह सवाल चल रहा था कि इसी दौरान में यह बिल आ गया। जनाब वाला महसूस करेंगे कि एक बात के लिये बीस बरस तक लड़ना पड़ा। मैं अदब से अर्ज करना चाहता हूं कि इस तमीज को भी दूर कराने के लिये बीस बरस नहीं चाहे १०० बरस तक लड़ना पड़े हम इस को दूर करा के छोड़ेंगे क्योंकि यह एक डिस्क्रिमिनेशन है जो कि सिक्यूलर स्टेट के खिलाफ है और

[पंडित ठाकुर दास भार्गव]

सिक्यूलर उसूलों के खिलाफ है और टैक्सेशन के उसूलों के खिलाफ है । मैं नहीं चाहता था कि मैं इस पर ज्यादा बहस करता लेकिन मिस्टर रोहिणी कुमार चौधरी ने मुझे मजबूर कर दिया कि मैं जनाब वाला की खिदमत में चन्द और बातें अर्ज करूं ।

चुनांचे मैं जनाब वाला की खिदमत में एक स्पीच पेश करना चाहता हूं जो कि मैं ने इस हाउस में सन् ४७ में दी थी । उस वक्त भी मैं ने फाइनेन्स मिनिस्टर से यही शिकायत की थी कि यह जो तमीज रवा रखी गई है ज्वाइंट हिन्दू फैमिली के साथ यह दुरुस्त नहीं है । हिन्दुस्तान में हर एक इन्सान के साथ यकसां सलूक होना चाहिये । मैं ने उस वक्त यह कहा था :

This point was raised by me a very long time ago and the reply I got on 20th March, 1930, from Sir George Schuster was:

> "I am quite ready to admit that as the law stands at present there are frequent cases of—I may almost say—injustice, certainly of hardship as regards taxation. But I do submit that the existence of these cases does not justify the wholesale alteration of the law without careful consideration".

और मुझे उन्होंने कहा था कि इस वक्त फाइनेन्स बिल पर यह नहीं हो सकता पर यह टैक्सेशन इन्क्वायरी कमेटी के सामने रखा जायेगा ।

Sir, similar words were spoken by Sir Archibold Rowlands, on the 28th March, 1946. He said:

> "From my short study of this question, it seems to me that there may be cases in which the operation of the law at present works hardship on a Hindu undivided family. I do recognise there are several cases in which I say the operations of the present law may be hard on a Hindu family".

मैं ने दो को कोट किया है । मैं अदब से अर्ज करूंगा कि सन् २८ में जब कि मैं सब से पहले इस हाउस में आया और बाद में भी सन् १९४५-४६ और ४७ में हर मर्तबा मैं आवाज उठाता रहा लेकिन मुझे अफसोस है कि जो जवाब मुझे मिस्टर लियाकत अली खां साहब ने दिया वही हमारे दूसरे फाइनेन्स मिनिस्टर साहिबान देते रहे कि टैक्सेशन इन्क्वायरी कमेटी को आने दो उस के सामने यह मामला आयेगा, बीच में हम कुछ नहीं कर सकते । हमारे मौजूदा फाइनेन्स मिनिस्टर साहब फरमाते हैं कि बहुत से मामलों में वह ओपिन माइन्ड रखते हैं लेकिन हिन्दू ज्वाइंट फैमिली का बदकिस्मती से ऐसा एक सबजैक्ट है कि जिस के लिये दरवाजा बहुत थोड़ा सा खुला है । और मैं थोड़ा सा खुला है इसलिये कहता हूं कि अगर वह चाहते तो इस वक्त भी कुछ न कुछ कर सकते थे । टैक्सेशन इन्क्वायरी को मामला जायगा उस में न मालूम कितना वक्त लगेगा और न मालूम इस मामले पर कब गौर होगा । मैं एक बात अर्ज करूंगा कि यह एस्टेट ड्यूटी बिल सन् ४७ में आया था उस वक्त मैं ने इस को रिफर किया था और अर्ज किया था कि अब गवर्नमेंट ने इस उसूल को मान लिया है कि फार परपेजेज आफ टैक्स अनडिवाइडेड हिन्दू ज्वाइंट फेमिली डिवाइडेड के तौर पर ट्रीट किया जा सकता है । सन् ४६ के अन्दर यह उसूल माना गया कि किसी शख्स के मरने के बाद ख्वाह खानदान मुश्तरका हो उस को डिवाइडेड माना जायगा । मैं ने सन् १९४७ में अर्ज किया कि कोई जवाज नहीं है आप के पास कि आप दो तरह का उसूल रखें । मैं तो एक स्पोर्टिंग आफर करता हूं । यह कितनी नामुनासिब बात है कि एक ही

स्टेट में एक ही टैक्स के लिये दो उसूल माने जायं। मुझ को दो मर्तबा पहले इस बिल पर बोलने का मौका मिला और मैं ने दोनों मर्तबा फाइनेन्स मिनिस्टर साहब की खिदमत में अर्ज किया कि आप मेहरबानी कर के अपना हाथ इनकम टैक्स से जल्द ज्वाइंट हिन्दू फैमिली से उठा लें। मैं अदब से पूछना चाहता हूं अपने फाइनेन्स मिनिस्टर साहब से कि वह आज हिसाब लगायें और देखें कि सुपर टैक्स, जिस की पहले लिमिट ७५ हजार थी हिन्दू ज्वाइंट फैमिली के लिये और ५० हजार थी अनडिवाइडेड फैमिली के वास्ते उस को भी बाद में उसी के साथ कर दिया गया था, और जो इनकम टैक्स हिंदू ज्वाइंट फैमिली पर लगाया गया है, सिवाय उस के कि जो लिमिट मिस्टर जान मथाई साहब ने घटा दी थी, तो पता चलगा कि दीगर फैमिलीज पर जो टैक्स लगा है उस के मुकाबले में ज्वाइंट हिन्दू फैमिलोज पर अरबहा खरबहा ज्यादा रुपया गवर्नमेंट वसूल कर चुकी है जो कि उस को ज्वाइंट हिन्दू फैमिली से इनकम टैक्स के उसूल के मुताबिक वसूल नहीं करना चाहिये था।

मैं अदब से अर्ज करना चाहता हूं कि आप देखिये कि आज १९५३ में किस कदर सख्त एक्सटार्शन हिन्दू ज्वाइंट फैमिली पर होता है। अब फिर आज गवर्नमेंट उसी चीज को परपेचुएट करने की कोशिश कर रही है। मैं उम्मीद रखता था कि कम से कम आज तो गवर्नमेन्ट इस बात को समझेगी कि ज्वाइंट हिन्दू फैमिली ऐसी चीज नहीं है कि जिस को आप जिस तरह चाहें दबा लें और जिस तरह चाहें मलक्ट करलें। मैं जनाब से अर्ज करना चाहता हूं कि मैं ज्वाइंट हिन्दू फैमिली के तौर पर टैक्स नहीं देता हूं और मैं नहीं चाहता कि इस तरह किसी और का मामला देखा जाय कि वह ज्वाइंट हिन्दू फैमिली की बिना पर टैक्स देता है या नहीं। यह मामला 'ए' और 'बी' का नहीं है। यह जनरल सवाल है। मैं जानता हूं कि इस हाउस में इस ऐक्ट के बनने के बाद भी ज्वाइंट हिन्दू फैमिली के तौर पर एस्टेट ड्यूटी लगेगी। आम तौर पर इनकम टैक्स की मेहरबानी से हिन्दू ज्वाइंट फैमिली खत्म होती जा रही है और यह जो आखिरी किक लगा है उस से आइन्दा हिन्दू ज्वाइंट फैमिली बिल्कुल खत्म हो जायेगी। मैं अदब से अर्ज करना चाहता हूं कि यह सवाल पर्सेनैलिटी का नहीं है कि कौन टैक्स देता है, कौन नहीं देता है। यह सवाल बिल्कुल प्यौरली इन्साफ का सवाल है। अगर आप ऐसा टैक्स लगायें जिस में हिन्दुओं पर अलग टैक्स की इन्सीडेंस हो और मुसलमानों पर अलग हो, क्रिश्चियन्स पर अलग हो, तो मैं पूछना चाहता हूं कि क्या यह टैक्स जायज होगा। अगर शिया पर अलग टैक्स हो, सुन्नी पर अलग टैक्स हो, तो क्या यह जायज होगा? अगर आप प्रोटैस्टेंट्स पर अलग टैक्स की इन्सीडेंस लगावें, कैथालिक्स पर अलग लगावें, अगर आर्यसमाजियों पर अलग हो और ब्रह्म समाजियों पर अलग इन्सीडेंस हो, तो क्या यह जायज है। आज आप देश के अन्दर क्या कर रहे हैं। आज मिताक्षरा फैमिली पर टैक्स की लिमिट अलग कर रहे हैं और दायभाग मुसलमानों और क्रिश्चियन्स पर टैक्स और है। मैं अदब से अर्ज करता हूं कि हम ने जो यह कांस्टीट्यूशन बनाया है उस में मैं जनाब की तवज्जह दफा १४ और १५ की तरफ दिलाना चाहता हूं। हमने इस कान्स्टीट्यूशन में इस तरह के बेसिस को नहीं रखा। It is like this:

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

[पंडित ठाकुर दास भार्गव]

मैं अदब से अर्ज करना चाहता हूं कि अगर आज एक आदमी के पास सिर्फ जाइंट फैमिली प्रापर्टी है ।

He is being denied the equality before law.

इसी तरह से आप आगे मुलाहजा फरमायें :

The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

मेरी अदब से गुजारिश है कि एग्जम्पशन लिमिट में फर्क है और बहुत से मैम्बर साहबान ने स्केल का भी डिफरेंस रखा है । लेकिन स्केल अब तो मेहरबानी कर के हमारे मिनिस्टर साहब ने तरमीम कर दिया और अब स्केल exemption के अतिरिक्त एक सा हो गया है । इस के पहले स्केल भी और था, क्योंकि ७५ हजार और उस के बाद २५ हजार पर और था, स्केल में भी फर्क था और अमाउंट में भी फर्क था । मैं जनाब की खिदमत में एक जरा सा फिक्रा और पढ़ दूं, हमारे कांस्टीट्यूशन को उस कुंजी में से जो कि यहां बयान की गई है और जिस के वास्ते हम अपने प्राइम मिनिस्टर के हमेशा के लिये अनुगृहीत हैं । उन्हों ने प्रीएम्बुल में लिखा था :

We, the People of India, having solemnly resolved to constitute India into a Sovereign Democratic Republic and to secure to all its citizens:

गो फैमिली आफ सिटीजन्स को नहीं, सारे सिटीजन्स को, । यहां आप सिटीजन्स की फैमिलीज में तमीज करते हैं, आप अलग अलग फैमिलीज के तौर पर देखते हैं । फिर कहते हैं :

Justice, social, economic and political;

सोशियल जस्टिस है । लेकिन यह सोशियल जस्टिस कहां रहती है जब कि आप कहते हैं कि जो हम एक सिस्टम आफ ला को बिलांग करते हैं तो दूसरे बेसिस पर टैक्स लगता है । मेरा एक सिस्टम ऐसा है जो कि परम्परा से चला आया है और उस को आप इस तरह अलग तरीके से टैक्स करते हैं । यह कहां सोशियल जस्टिस रहती है ? फिर :

Equality of status and of opportunity.

This is also being denied. Then again:

Fraternity assuring the dignity of the individual and the unity of the Nation,

Where is the dignity of the individual here, when he is only looked at belonging to a family governed by this law or that law

जब कि आप उसी किस्म का जजिया मेरे ऊपर लगाने की कोशिश करते हैं जैसे कि मुग़लों ने कभी लगाया था । वह एक तरह से तमीज करते थे । मुग़ल बादशाहों के जमाने में तो यह होता था कि मुसलमानों पर इस तरह टैक्स लगे और हिन्दुओं पर दूसरी तरह से टैक्स लगे। अभी राजस्थान में भी यह तमीज होती थी कि अगर उसी जमीन को बोने वाला कोई राजपूत है तो उस से एक चोथाई हिस्सा लिया जाता था और अगर वही बोने वाला जाट होता था तो उस से एक तिहाई ले लिया जाता था । यह सब बातें हम ने देखी हैं। लेकिन आज सन् १९५३ में यह कहना कि एक हिन्दू से तो हम फैमिली के तौर पर टैक्स लेंगे और दूसरे को और तरह के सिटीजन की तरह ट्रीट करेंगे, यह बिल्कुल ऐरोनियसली रांग, अनजस्ट और सबवर्सिव आफ आल प्रिंसिपल्स

आफ जस्टिस है और यह अनडिमाक्राटि है और अनकांस्टीट्यूशनल है । मेरे पास और कोई अल्फाज नहीं हैं कि जिन को मैं इस्तेमाल करूं इस तमीज को जाहिर करने के लिये । इस तमीज के रखने से हमें बड़ा भारी नुक्सान हुआ है ।

मैं ने जनाब वाला की खिदमत में अर्ज किया कि हिन्दू ज्वाइंट फैमिली को ट्रीट करने में जो उसूल कायम किया गया वह यह है कि इंडीवीजुअल पर टैक्स नहीं लगता है, बल्कि फैमिलीज पर टैक्स लगता है । मैं अदब से पूछना चाहता हूं कि क्या कोई कायदा, कोई कानून और कोई कैनन कहीं पर भी आप दिखला सकते हैं जहां पर कि फैमिली पर टैक्स लगता हो ? मैं तो निहायत अदब से अर्ज करूंगा कि इस को इस तरह करने से आप के सामने बड़ी दिक्कतें पेश आवेंगी, इस में बड़े मुश्किल सवाल पैदा होंगे जिन का हल करना हमारे आनरेबिल फाइनेंस मिनिस्टर साहब और इन के डिपार्टमेंट के लिये बड़ा मुश्किल होगा । मैं अदब से कहना चाहता हूं कि मुझे तो कोई भी सैक्शन इस में ऐसा नहीं मिला जिस में एक सवाल का जवाब मिलता हो । मैं ने सैक्शन ३४ को गौर से पढ़ा है, लेकिन उस में भी यह नहीं दिया है कि जिस के पास दो तरह की प्रापर्टी होगी तो एग्जम्प्शन लिमिट आप कैसे कायम करेंगे । दो तरह की प्रापर्टी है, एक तो हिन्दू फैमिली प्रापर्टी है और दूसरी गैर ज्वाइंट फैमिली प्रापर्टी । ऐसी सूरत में एग्जम्प्शन लिमिट किस को दी जायेगी ?

Shri S. S. More: *Prorata.*

पंडित ठाकुर दास भार्गव: अगर एग्जम्प्शन लिमिट से ज्यादा होगी तो प्रो रेटा टैक्स होगा । मगर एग्जम्प्शन लिमिट से ज्यादा हो तभी यह होगा, लेकिन एग्जम्प्शन लिमिट किस तरह से डिटरमिन होगी यह मेरी समझ में नहीं आया । मुझ को इस का किसी भी सैक्शन में पता नहीं लगा ।

मैं जनाब की खिदमत में एक बात और अर्ज करना चाहता हूं । अब पंजाब का नाम हमारे आनरेबिल मिनिस्टर साहब ने इस अमेंडमेंट के जरिये लिया है, पंजाब की एग्रीकल्चरल लैंड और दूसरी जगह को भी शामिल किया गया है, बम्बई और मध्य भारत को भी शामिल किया है । मैं उन की खिदमत में अर्ज करना चाहता हूं कि पंजाब में

Custom is the first rule of decision —Hindu law or Mohammedan Law do not bind the Punjabis.

पंजाब ला एक्ट में बतलाते हैं कि :

Custom is the first rule of decision, so far as succession, inheritance, etc., are concerned.

जिन को पंजाब के हालात से बाकफियत है और जिन्होंने इन पर गौर फरमाया होगा वे तसव्वुर करेंगे कि पंजाब में कस्टम की कितनी इम्पार्टेंस है । जब कभी पंजाब में कोई लिटिगेशन होता है, तो जितने मुकद्दमे वहां आते हैं उन में कस्टम का सवाल पैदा होता है । देहात के बारे में मैं बहुत नहीं कहता वहां तो कस्टम हो सब से ज्यादा इम्पार्टेंट होता है । लेकिन जहां कि अरबन प्रापर्टी का क्वश्चन पैदा होता है वहां हर मुकद्दमे में यह तनकीद निकलती है कि यह शख्स हिन्दू ला से गवर्न्ड है या कस्टम से और हर चीज पर शहादतें ली जाती हैं किस वह किस ला से गवर्न्ड है । फिर मैं जानता हूं कि सारे हिन्दुस्तान में कस्टम की कितनी इम्पार्टेंस है, जिन्होंने हिन्दू ला पढ़ा होगा वह इस को बखूबी जानते हैं । हिन्दू ला को कस्टम ने कितना चेंज कर दिया है यह सब को मालूम है । क्या देशमुख

[पंडित ठाकुर दास भार्गव]

साहब ने १९३७ में हिन्दू ला को, बेवा को हक दे कर तरमीम नहीं कर दिया है ? पंजाब में हिन्दू फैमिलीज पर इस का बड़ा एडवर्स असर पड़ता है । वहां हर एक केस में यह तय करना होता है कि आया वह हिन्दू ज्वाइंट फैमिली से गवर्न होता है या नहीं और किस कस्टम से गवर्न होता है ।

इस सिलसिले में, जनाब वाला, मैं आनरेबिल फाइनेन्स मिनिस्टर साहब की खिदमत में अर्ज करना चाहता हूं कि हिन्दू ला का क्या उसूल है : यहां अव्वल उसूल यह है कि हर एक शख्स के हाथ में यह चीज है, उस को यह अख्तियार है कि वह हिन्दू ज्वाइंट फैमिली को खत्म कर सकता है । अगर कोई शख्स, हिन्दू, चाहे कि इस ज्वाइंट फैमिली को खत्म कर दूं तो अपने इरादे के इजहार से वह इरादा अनईक्वीवोकल (unequivocal) हो, तो उस से वह फैमिली को जब चाहे खत्म कर सकता है । वह एक नोटिस दे कर खत्म कर सकता है । एक पार्टीशन की दरख्वास्त से वह फैमिली को खत्म कर सकता है । जनाब वाला पहले कानून कुछ और होगा, लेकिन आज का कानून हमारे सारे देश का यह है, सब इस को मानते हैं, प्रीवी कौंसिल के फैसले से यह तय शुदा कानून है और सारे बुकला इस की ताईद करेंगे कि हर एक हिन्दू को अख्तियार है कि एक अनईक्वीवोकल नोटिस दे कर वह ज्वाइंट फैमिली को जब चाहे खत्म कर सकता है । उस को कोई चीज ऐसा करने से नहीं रोकती । लेकिन इनकम टैक्स ला में ऐसी बात नहीं, क्योंकि वहां पर उन्होंने इस के लिये एक और नई दफा २५ ए बनाई कि जब तक कि पार्टीशन बिलकुल मुकम्मिल तरीके से नहीं हो जाता उस वक्त इनकम टैक्स के लिये वह सैपरेशन नहीं माना जायगा । यह चीज हिन्दू ला के कतई खिलाफ थी । उस पर इस हाउस में जब बहस हुई थी, तो इसी तरह फायनैन्स बिल के मौके पर बहस करते हुए जहां पर आज हमारे सी० डी० देशमुख साहब बैठे हुए हैं उसी जगह पर उन के प्रैडेसेसर षण्मुखम् चैट्टी साहब ने हम को यकीन दिलाया था कि इस पर अमल करते वक्त हम इस तरह से अमल करेंगे कि जहां हार्डशिप होगी वहां हिन्दू ला के प्रिंसिपल्स को माना जायगा और metes and bounds को ही हर एक जगह देखने की कोशिश नहीं की जायेगी ।

अगर कानून यह है जैसा कि मैं कहता हूं, तो मैं अदब से पूछना चाहता हूं कि आप ज्वाइंट हिन्दू फैमिली को तो पचास हजार तक एग्जम्प्शन देते हैं लेकिन दूसरों को एक लाख तक देते हैं तो मेरा तो एतराज इस डिस्क्रिमिनेशन पर है और वह उसूली ऐतराज है । इस का नतीजा तो यह होने वाला है कि वह जिस का फायदा इस में होगा अनइक्वीवोकल इंटेंशन जाहिर करेगा कि मुझे ज्वाइंट हिन्दू फैमिली से माफ फरमाया जाय, मैं ज्वाइंट हिन्दू फैमिली को छोड़ता हूं और इस तरह वह इस से अलग हो कर हम ने जो एक अलग लिमिट उन के लिये कायम की है, वह उस लिमिट को खत्म कर देगा और वह लिमिट एक मिनट भी कायम नहीं रहेगी । इनकमटैक्स ऐक्ट में तो हिन्दू ज्वाइंट फैमिलीज के लिये जो लिमिट कायम की, वह तो किसी हद तक कायम भी रह सकी, क्योंकि उस के लिये हम ने ऐक्ट में २५ (क) का प्रावीजन कर दिया था कि जब तक रजिस्ट्रियां न होंगी, तब तक आप यह वैलिड नहीं होंगी, लेकिन हमारे इस स्टेट ड्यूटी बिल के अन्दर कोई ऐसी दफा नहीं है और इस वास्ते मैं आप से अर्ज करूं कि इस में होगा यह कि एक लाख को एग्जम्प्शन पाने के लिये जायदाद वाला शख्स मरने से पहले अपना इरादा जाहिर कर देगा

कि मैं अपनी जायदाद का पार्टीशन करता और इस पार्टीशन के करने से उस की टैक्सेशन लिमिट इप्सो फैक्टो एक लाख बन जायेगी। मैं अदब से अर्ज करना चाहता हूं कि उस के लिये एक तरीका यह है कि एक आदमी सिविल मैरिज कर ले, अथवा कोई और मजहब अख्तियार कर ले और तीसरा तरीका मैं ने आप की खिदमत में अर्ज किया। एकोनामिक लाज़ बड़े रूथलेस होते हैं, इन की तारीफ बड़ी सख्त होती है और इन से कोई बच नहीं सकता और यह वाकया है कि आप के इनकम टैक्स ने सारे देश भर की ज्वाइंट हिन्दू फैमिलीज को सब से ज्यादा नुकसान पहुंचाया है और आइन्दा इस ज्वाइंट हिन्दू फैमिलीज का अन्त और अन्तेष्टि संस्कार, हिन्दू सोसायटी का जो ज्वाइंट फैमिली सिस्टम में यकीन रखती है, हिन्दू समाज के जो बैस्ट आदमी हैं और हिन्दू सोसायटी के स्तम्भ हैं, उन के हाथों से हो जायगा। आज सब लोग जानते हैं कि हिन्दू ज्वाइंट फैमिली सिस्टम किस तरह से चलता है और पंजाब हाई कोर्ट ने सन् १८८९(१०२) में और सन् १९१९ (३४) में रूलिंग दी और दोनों रूलिंग्स में उन्होंने लिखा कि पंजाब के अन्दर कोई ज्वाइंट हिन्दू फैमिली नहीं है। एक लड़के को अख्तियार नहीं है, चाहे उस की जायदाद उस के दादा की हो या परदादा की हो, अपने बाप से बंटवारा करा सके। मैं अदब से अर्ज करना चाहता हूं कि ऐसी सूरत में हर एक ज्वाइंट हिन्दू फैमिली वर्षों तक चलती रहती है और इस ज्वाइंट फैमिली की लाइफ एक इंडीवीजुअल की तरह नहीं है, बहुत अर्से चलती है, भाइयों में अक्सर झगड़ा हो जाता है, लेकिन पार्टीशन नहीं होता और भाइयों के आपसी झगड़े कुछ दिन बाद खत्म हो जाते हैं और ज्वाइंट फैमिली में एक फर्द के मरने पर भी कोई फर्क नहीं पड़ता, और फैमिली में जो बड़ा होता है वह उस खानदान को चलाता रहता है और उस का फायदा नुकसान सब का सब एक आदमी को पता रहता है। हिन्दू ज्वाइंट फैमिली एक आदमी के या, दो, चार के मरने से खत्म नहीं होती, क्योंकि इन्सानी हमदर्दी और रिश्तेदारों की मुहब्बत की वजह से अदालत में जाने की नौबत नहीं आती। और इस में कोई नहीं जानता था कि किस को फायदा पहुंचा और किस को नुकसान पहुंचा। लेकिन मैं बतलाऊं कि आज इस बिल के पास होने से यह होगा कि हर एक आदमी के मरने पर आनरेबिल फायनैन्स मिनिस्टर साहब के मुहकमे वाले पेश्तर इस के कि घर पर से उस की अर्थी उठे, यह मालूम करने की कोशिश करेंगे, कि मरने वाले की जायदाद क्या है उस के डिटेल्स मालूम करेंगे उस के ट्रान्जेक्शन्स क्या हैं और इस जायदाद से कितना रुपया सरकार को वसूल करना है और इस का नतीजा यह होने वाला है कि उस फैमिली में अब तक जो सबोरडिनेट हैसियत रखते थे, उन के दिल में यह ख्याल आयेगा कि अब यह मामला ही खुल गया और वह पता लगायेंगे कि फैमिली की क्या हालत है, उस में हमारा क्या हक है और क्या हिस्सा है और खानदान के जो मैटर्स डारमैन्सी में पड़े हुए थे, वह सरफेस में आ जायेंगे, और मुकद्दमेबाजी और आपस में झगड़ा बढ़ने के अलावा और दूसरी कोई चीज पैदा नहीं होगी। मैं यह देखता हूं लेकिन मैं यह भी जानता हूं कि आप इस के वास्ते फायनैन्स मिनिस्टर साहब की शिकायत नहीं करते, क्योंकि ऐस्टेट ड्यूटी बिल जब पास हो कर सारे देश पर लागू होगा तो यह नहीं हो सकता कि मिताक्षर वाले हिन्दुओं को इस से बरी कर दिया जायगा। मैं ऐस्टेट ड्यूटी बिल को बनाने में पार्टी हूं और मैं समझता हूं कि सारा हाउस इस से कमिटेड है। इस को हम ने अच्छी तरह से हिन्दू खानदान की पलेसिडिटी को रफल कर दिया है और हम ने कोशिश

[पंडित ठाकुर दास भार्गव]

की है इस तरह से कि हिन्दू ज्वाइंट फैमिली यहां पर नहीं रहे । डाक्टर अम्बेडकर की बात मान लेनी चाहिये थी क्योंकि इस बिल का असर वही होगा जो वह पैदा करना चाहते थे हिन्दू ला के अन्दर उस को न मान कर हिन्दू ज्वाइंट फैमिली ने बड़ी गलती की, उसी को गुड ग्रेस में मान लेना चाहिये था । इस के अन्दर किसी को शिकायत करने का मौका नहीं है । मैं तो उन में से हूं जो यह मानते हैं कि

"The old order changes giving place to new. And God fulfils himself in many ways lest one good custom should corrupt the world."

इस इन्स्टीट्यूशन को जो इतने जमाने से चला आ रहा है, आज खात्मा हो जाय, मुझे फाइनैन्स मिनिस्टर साहब की उस कोशिश से डर नहीं है, क्योंकि मैं भी उस कोशिश में शामिल हूं, मैं खुद चाहता हूं कि हिन्दू ज्वाइंट फैमिलीज से ऐस्टेट ड्यूटी वसूल किया जाय, और सारे देश भर में ऐस्टेट ड्यूटी बिल के जरिये रुपया इकट्ठा किया जाय, क्योंकि आखिर हमारी स्टेट तो एक वेलफेयर स्टेट है और जब तक सरकार के खजाने पूरे न होंगे, हम कोई वैलफेयर का काम नहीं कर सकते, मेरी शिकायत इस सम्बन्ध में तो इस कदर है कि जब कि इस ज्वाइंट फैमिली सिस्टम का अन्तिम संस्कार होने जा रहा है और यह बिल उस को समाप्त करने के लिये तीर का काम देगा, तो आप उस तीर में जहर क्यों लगा रहे हैं, बस यही मेरी आप से शिकायत है, वह हियूमीलेशन क्यों कायम रख रहे हैं और अब भी आप चाहते हैं कि जैसे ८० वर्ष से इनकम टैक्स में होता आया है, और जो तमीज आज तक रही है वह सदा के लिये पक्की हो जावे । आप दोनों के वास्ते एक लाख लिमिट कर दें । मैं जनाब की इजाजत से उन के उस रुझान को ऐनालाइज करना चाहता हूं कि क्यों ऐसा किया गया । कहते यह हैं कि हमारे लायक दोस्त श्री चटर्जी साहब जिन की जबान की ताकत और अक्ल बमुकाबले दूसरों के बहुत ज्यादा है और जिन की बात हमारे आनरेबिल फायनैन्स मिनिस्टर के दिल में घुस जाती है, मैं चाहता हूं कि काश मेरे भी इतनी अक्ल होती और मेरी जबान में भी इतनी ताकत होती कि मैं अपनी बात आनरेबिल फायनैन्स मिनिस्टर से मनवा सकता । उन का आर्गुमेंट क्या है ? एक मकान मैं ने बनाया और एक मारवाड़ी ने बनाया जो मेरे पास रहता है और वह मिताक्षर से गवर्न्ड है, होगा यह कि मेरे से ज्यादा टैक्स लिया जायगा और उस से कम टैक्स लिया जायगा, इस से उन्हों ने यह दिखलाने की कोशिश की कि अगर दोनों की सेल्फ एक्वायर्ड प्रापर्टी है, इंसाफ यह कहता है कि कोई डिस्क्रिमिनेशन नहीं करना चाहिये, उन का आर्गुमेंट यह है कि नार्थ इंडिया में ज्वाइंट हिन्दू फैमिलीज इस से गवर्न्ड नहीं है जिन के पास ज्वाइंट फैमिली प्रापर्टी नहीं है, वह इस की जद में नहीं आयेंगे लेकिन मैं अदब से अर्ज करना चाहता हूं कि आप ने फैमिली पर टैक्स नहीं लगाया, आप ने तारीफ अब भी जो की है दफा पांच, छै और सात में कि वह प्रापर्टी जो किसी शख्स के मरने पर पास होगी उस के ऊपर टैक्स लगेगा, क्या उस सूरत में "ए" के मरने के बाद जो मिताक्षर का है जो प्रापर्टी पास होगी और "बी" जो दूसरे मत का मानने वाला है उस के मरने पर जो प्रापर्टी पास होगी, उस में आप क्यों अन्तर रखते हैं क्या आप एक कानून के द्वारा एबसोल्यूट (absolute) इक्वैलिटी करना चाहते हैं, क्या इस ला के जरिये एब्सोलूट इक्वैलिटी इन दोनों तरह की जायदादों में करना चाहते हैं ? आप का एम तो एक ही था और वह एम यह था कि जिस शख्स की प्रापर्टी मरने पर जितनी हो, उस पर टैक्स

लगाया जाय, अब "ए" पर ज्यादा टैक्स लगेगा और "बी" पर कम पड़ेगा, एबसलूट इक्वैलिटी के उसूल पर इसे नहीं तौला जा सकता, क्योंकि आप देखेंगे कि भगवान ने भी किसी को ज्यादा अक्ल दी है तो किसी को उतनी नहीं दी है और जो बड़े बड़े आदमी हैं उन को शुक्र मनाना चाहिये कि सारे इनसानों को उन के बराबर नहीं बनाया और अगर फायनैन्स मिनिस्टर जैसा मेरे पास भी जहन और इल्मियत होती तो फिर उन की काहे को सुपीरियोरिटी रहती और एबसलूट इक्वैलिटी अगर होती तो सोमानी साहब के पास इतनी ज्यादा दौलत क्यों होती और मेरे पास उन के बराबर क्यों न होती । इस वास्ते मेरी अदब से गुजारिश यह है कि यह प्लीड करना और ऐस्टेट ड्यूटी बिल के जरिये यह तमीज करना कि फलांने सिस्टम पर इतना टैक्स लगना चाहिये और दूसरे सिस्टम वालों पर इतना लगना चाहिये, इस तरह की तमीज करना कतई ग़लत है और मेरा तो इस बारे में खुला चेलेंज है कि ऐस्टेट ड्यूटी से आप को फायदा उतना नहीं पहुंचेगा जितना आप को नुक्सान पहुंच जायेगा अगर आप ने उस बिल के उसूल उसी तरह से कायम रक्खे ।

नतीजा क्या हुआ ? नतीजा यह हुआ, जनाब वाला, इसके करने से कि अगर आप कंसिस्टेन्टली यही उसूल दूसरी चीज यानी इन्कमटैक्स में लागू करें तो हमारी सरकार को आमदनी पहले से कम होगी ज्यादा नहीं । जनाब वाला का हाथ मुझे घंटी पर मालूम पड़ता है । अगर जनाब का यह खयाल है कि किसी क्लाज पर किसी मेम्बर को अपने ख्याल के इजहार करने का हक़ नहीं है.....

Mr Chairman: I do not want to interfere if the hon. Member wants to go to some other point.

पंडित ठाकुर दास भार्गव : मेरी अदब से गुजारिश है कि मैं डिस्क्रिमिनेशन नहीं चाहता मगर चूंकि हम दफा ३४ से मजबूर हैं इस लिये इस शेड्यूल को ऐसा बना दिया जाय कि यह दफा 'निल' के बराबर हो जाय या उससे जरा सा ज्यादा हो जाय । मेरी इतनी सी तरमीम है और उसके वास्ते मैं जनाब के रूबरू वजूहात दे रहा हूं ताकि आप इस को मान लें । इस के लिये मैंने कुछ वजूहात तो अर्ज कर दी हैं और चन्द वजूहात और हैं जो मैं अर्ज करना चाहता हूं ।

मैं जनाब की खिदमत में यह अर्ज कर रहा था कि यह सवाल यू सस्त पड़ता है और मैं फाइनेन्स मिनिस्टर साहब से यह पूछना चाहता हूं कि आखिर उन के पास कौन सा कांटा है जिसके मुताबिक उन्होंने यह तय किया । एक वक्त था जिस की मैंने अभी हिस्ट्री सुनाई । सन् १९४६ तक एक लाख का एग्जेम्प्शन सब के वास्ते था । लेकिन अब वह और सेलेक्ट कमेटी के ३५ मेम्बर बैठे और उन्होंने बहुत दिनों के गौर व खोज के बाद सारी चीजों को तोला तो मालूम हुआ कि दायभाग या मुसलमान और क्रिश्चियन को ज्वाइंट हिन्दू फैमिली के मुकाबले में.....

Shri R. K. Chaudhury: Sir, on a point of order. In the Select Committee there were thirty five Members out of which only seven were *Dayabhag* or non-*Mitakshara* people.

पंडित ठाकुर दास भार्गव : मेरी दाय भाग के मेम्बरों से या मि० रोहिणी कुमार चौधरी से हर्गिज कोई शिकायत नहीं है । दाय भाग वालों ने ऐसा कर दिया यह मैं नहीं कहता ।

श्री गाडगिल : दाय भाग नहीं है वह तो अब दया भाग बन गया है ।

Dr. M. M. Das (Burdwan—Reserved —Sch. Castes): *Dayaa bhag* has been reduced to *Dayaa bhag*. They are objects of pity!

पंडित ठाकुर दास भार्गव : जनाब वाला, मैं इस सवाल में तो जाना नहीं चाहता था लेकिन गाडगिल साहब ने मुझ को याद दिलाया

[पंडित ठाकुर दास भार्गव]

कि दाय भाग नहीं है अब वह दया भाग है। मैं कुछ इस के बारे में कहना चाहता हूं। दाय उस को कहते हैं जो कि मरने वाला आदमी दूसरों के लिये छोड़ दे। हिन्दू कोड में लिखा हुआ है, पहला फिकरा है, कि दाय भाग क्यों कहते हैं। लेकिन मैं पूछता हूं कि दाय भाग वालों की ही फिक्र है या मिताक्षरा वालों की भी है, इस को बतलाइये। मिताक्षर तो सिर्फ स्पिरिचुअल बिना पर है। मैं यह कहना नहीं चाहता लेकिन गाडगिल साहब ने मजबूर कर दिया है। यह मिताक्षर ला हिन्दू ज्वाइन्ट फैमिली के लिये बना हुआ था वह कोई टैक्सेशन मेजर के लिये बेसिस नहीं था कि सन् १९५३ में ज्वाइन्ट हिन्दू फैमिली के ऊपर टैक्स लगाया जाय। यह तो 'वेस्ट फार्म आफ मिउचुअल वालन्टरी हेल्प था।' उस के अन्दर कोआपरेटिव स्पिरिट थी। मिताक्षर ला इस का अदना सा नहीं बल्कि एक मजबूत नमूना है। इसके अन्दर क्या होता है कि आज चार भाई और एक बाप का खानदान है। बाप बुड्ढा हो जाता है, बेटा काम करता है और जायदाद पैदा करता है। बहुत सी जायदाद कुल खान्दान पैदा कर लेता है। उस वक्त दाय भाग और मिताक्षर खान्दान में यह फर्क हो जाता है कि ज्वाइन्ट फैमिली का सारा खानदान मुश्तर्का कोशिश से जायदाद पैदा करता है। दाय भाग वाले जब जायदाद लेते हैं तो वह ज्वाइंट तरह की नहीं होती है। हिन्दू ज्वाइंट फैमिली की तरह की नहीं है। ज्वाइंट फैमिली के अन्दर बूढ़े बाप और बेटों की जो कमाई है वह मुश्तर्का समझी जाती है जैसे कि कुल एक ही आदमी ने पैदा की हो। यह मेन फर्क है जो इस में रक्खा गया है। नतीजा यह होता है कि लड़का तो मेहनत से पैदा करता है लेकिन बाप के मरने के बाद उसको सिवाय सर्वाइवरशिप के द्वारा पूरा हक नहीं मिल सकता है सिर्फ जरा सा हिस्सा मिलता है। उसका पूरा हिस्सा मानना ऐस्टेट ड्यटी के तौर से नहीं मिल सकता और मिताक्षर ला के मुताबिक पूरा मिलना चाहिये। इसी वास्ते मिताक्षर ज्वाइंट फैमिली पर सन् १९२४ से १९४६ तक यह चीज चली आई कि डेथ ड्यूटी नहीं लग सकती। लेकिन मेरा यह प्वाइंट नहीं है। मैं कहता हूं कि मिताक्षर पर भी डेथ ड्यूटी लगनी चाहिये, मैं इस के खिलाफ नहीं हूं। किसी वेलफेअर स्टेट का काम नहीं चल सकता अगर उस के पास रुपया न हो। दुनिया भर में यह तरीका है रुपया वसूल करने का, मैं क्यों कहूं कि मिताक्षर को प्रोटेक्शन दिया जाय। लेकिन मेरे दोस्त गाडगिल साहब जरूर मंजूर करेंगे कि आप ने मिताक्षर के आदमियों को उनके कानून से अलग कर दिया है। जो जायदाद खुद एक आदमी की पैदा की हुई है उस पर डेथ ड्यूटी न लगनी चाहिये, आप ने इस को रख कर और मिताक्षर फैमिली में तमीज कर के उनके उसूलों को सेट बैक कर दिया है। मैं इस बारे में यह अर्ज करना चाहता था कि स्पिरिचुअल बांड की बिना पर मिताक्षर का ला आफ सक्सेशन बैस्ट है। मैं अर्ज करूंगा कि ज्वाइंट मिताक्षर फैमिली का जो उसूल था उस को सरकार ने नहीं माना। मैं भी नहीं मानता और कोई भी आदमी ऐसा नहीं है जो यह मानता हो कि हिन्दू ज्वाइंट फैमिली पर टैक्स न लगे। मैं तो यह अर्ज कर रहा था जब गाडगिल साहब ने दखल दिया। मैं तो यह पूछना चाहता था अपने फाइनेन्स मिनिस्टर साहब से कि उन के पास कौनसा कांटा है, कौन सा वैलेन्स है जिसकी बिना पर उन्होंने यह पर्सेन्टेज कायम की है। ३५ मेम्बर सेलेक्ट कमेटी में बैठे, उन में से सात काले थे, या सात गोरे थे इस से मुझे कोई मतलब नहीं। ३५ मेम्बर बैठे। उन्होंने

मुनसिफ तौर पर, गलत या सही, यह तय किया कि पचास हजार और पछत्तर हजार की सीमा रहेगी, चलो वह शिकायत भी जाती रही, लेकिन अब वहां से आने के बाद कौन सी वजूहात नई निकलीं, श्री एन० सी० चैटर्जी की जबान में कौन सा नया रस था जिस की वजह से सीमा दाय भाग की पछत्तर हजार से एक लाख कर दी ! मैं निहायत अदब से अर्ज करना चाहता हूं कि मेरा अपना विउ यह था और मैं श्री देशमुख और गाडगिल साहब के दलायल से इत्मीनान रखता था कि मैंने सही राय कायम की कि हाउस में कहा कि पछत्तर हजार की लिमिट होनी चाहिये। मैं अब भी चाहता हूं कि बड़े बड़े आदमियों से रुपया लेकर वैलफेअर स्टेट के ऊपर खर्च किया जाय और पछत्तर हजार की लिमिट रक्खी जाय ताकि हमारे देश का खजाना कम न हो। यही हमारे देशमुख साहब और गाडगिल साहब की राय है। मैं अब भी इसी राय का हूं, लेकिन मैं पूछना चाहता हूं कि जब आप इस तरह से दोनों सिस्टमों में तमीज नहीं करना चाहते हैं, जब आप चाहते हैं कि देश का जो धन है जो दो चार दस आदमियों का अनआब्स्ट्रक्टेड (unobstructed) हेरिटेज है वह ले लिया जाय, जब तक वह नहीं लिया जाता तब तक हमारा काम नहीं चल सकता, तो कौन से कांटे से आपने तोला जिसकी रू से पचास हजार और एक लाख की तमीज रक्खी ? क्या वह कांटा था कि चूंकि आप ने अरबों, खरबों और संखों रुपया ज्वाइंट फैमिली से इन्कम टैक्स में ज्यादा वसूल किया है अस्सी वर्ष तक, इस लिये और भी उन से वसूल किया जाय। यह कोई वजह थी ? यह कोई बुनियाद थी ? अगर आप को तमीज करनी ही थी तो यह करते कि मिताक्षरा को करते एक लाख और दाय भाग को करते पचास हजार। जो भी पुराना रुपया उन से वसूल किया गया है अगर उसका आप को ख्याल था तो उसका यह असर होना चाहिये था।

इस लिये मेरी गुजारिश यह है कि जो मिताक्षरा की लिमिट पचास हजार की रक्खी है उस के बखिलाफ मेरी अब भी शिकायत है कि वह मुनासिब नहीं था। तमीज करना ही गलत था। फिर यह और भी गलत था कि ३५ आदमियों के रिपोर्ट देने के बाद एक दम बिना किसी माकूल वजह के उन की सीमा को पछत्तर हजार से एक लाख कर दिया। क्यों एसा किया गया मैं इस को समझ नहीं सका। यह मामला इतना ही नहीं है।.....

Mr. Chairman: Is the hon. Member likely to take some more time?

Pandit Thakur Das Bhargava: Yes.

Mr. Chairman: The House will now adjourn till 4 P.M.

The House then adjourned till Four of the Clock.

The House reassembled at Four of the Clock.

[MR. DEPUTY-SPEAKER *in the Chair*]

MESSAGE FROM THE COUNCIL OF STATES

Secretary: Sir, I have to report the following message received from the Secretary of the Council of States:

"In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to inform the House of the People that the Council of States, at its sitting held on the 12th September, 1953, agreed without any amendment to the Andhra State Bill, 1953, which was passed by the House of the People at its sitting held on the 27th August, 1953"

ESTATE DUTY BILL—Contd.

Mr. Deputy-Speaker: Before I call upon Pandit Thakur Das Bhargava to continue his speech on the Estate Duty Bill, I wish only to say that a number of hon. Members seem to be there who want to speak; so, consistent with the importance of the matter I would request hon. Members to be as brief as possible.

Shri N. Somana: Are you imposing the third reading now?

Mr. Deputy-Speaker: That is for the House. I am here merely to sit in the Chair and regulate the proceedings.—Yes, Pandit Thakur Das Bhargava.

पंडित ठाकुर दास भार्गव : जनाब डिप्टी स्पीकर साहब, मुझे अहसास है कि मैंने अपने पहले रिमार्क्स में कुछ जरूरत से ज्यादा वक्त लिया लेकिन जनाब वाला मुझे मुआफ फरमायेंगे कि मैंने अपनी तरफ से कोई इर्रेलेवेंट चीज नहीं कही और न मैं यह चाहता हूं कि इतना वक्त लिया जाय कि और मेम्बर साहिबान के वास्ते वक्त न रहे।

मैंने एक बात हाउस के सामने कही थी और वह एक ऐसा मुअम्मा है कि जिसका हल हाउस को ढूंढना ही होगा। मैंने दफा ३४ को अपनी तरफ से गौर से पढ़ा लेकिन मैं उसके अन्दर इस सवाल का साल्यूशन नहीं देख सका कि अगर एक शख्स के पास दो किस्म की जायदाद है, ज्वाइंट फैमिली की भी जायदाद है और सैल्फ एक्वायर्ड जायदाद भी है तो उसको डिसीज्ड की कितनी प्रापर्टी पर टैक्स देना होगा। यह सवाल गौर तलब है। मैं अब तक इसका हल नहीं कर सका। इस वास्ते मैं अदब से जनाब फाइनेन्स मिनिस्टर साहब और दूसरे दोस्तों की खिदमत में यह अर्ज करना चाहता हूं कि इस मुअम्मे को जरूर हल कर देना चाहिये। फर्ज कीजिये कि एक आदमी के पास २५ हजार की जायदाद सेल्फ एक्वायर्ड है और बाकी ४० हजार की जायदाद ऐसी है जो कि ज्वाइंट फैमिली प्रापर्टी है। ऐसी सूरत में जब कि यह दोनों मिल कर ५० हजार से ज्यादा हो जाती है, उस पर टैक्स लगेगा या नहीं। या कि उसकी जायदाद जो कि ज्वाइंट फैमिली की है वह अलग समझी जायगी। कैसे यह मामला हल होगा, उस पर कितनी रकम पर टैक्स लगेगा। अगर किसी शख्स के पास ५०,००० सेल्फ एक्वायर्ड प्रापर्टी है और दस पांच हजार की या १५ हजार की ज्वाइंट फैमिली प्रापर्टी है तो क्या उसकी एक लाख की लिमिट की जायगी या कोई निस्बत कायम की जायगी जिससे यह तै हो कि अगर किसी शख्स के पास दोनों किस्म की जायदाद हो तो उसकी जो जायदाद है वह किस तरह से डील की जायगी। मुझे अफसोस है कि मैं दफा ३४ में इसका हल नहीं पा सका। यह मामला मेरी समझ में नहीं आया है। इसलिए मैं अर्ज करूंगा कि इस मुअम्मे को हल किया जाय ताकि पता लग सके कि उसके वास्ते क्या टैक्स लगेगा ?

स्केल भी मैं देखता हूं कि अलग अलग स्केल है। लेकिन ऐसी कोई स्केल नहीं है कि जो ऐसे केसेज के वास्ते प्रोवाइड की गयी हो जहां दो तरह की प्रापर्टी है। और मैं अदब से अर्ज करूंगा कि अगर इन स्केल्स को देखा जाय तो यह बात नहीं है कि सिर्फ दो ही आइटम्स में फर्क है। इस में अव्वल से आखिर तक फर्क है। इस में जो ओरिजिनल सिन है वह अव्वल से आखिर तक मौजूद है। चालीस परसेंट तक एक एक रुपये पर मुहर लगी हुई है डिस्क्रिमिनेशन की। दोनों किस्म की जायदाद में जो फर्क है वह परपीचुएट होता चला जायगा और ज्वाइंट फैमिली वालों को ज्यादा रकम देनी पड़ेगी। मैं चाहता हूं कि इसके ऊपर भी तवज्जह होनी चाहिये। अगर फैला कर देखा जाय तो पहली रकम के फर्क

की वजह से हर एक आइटम में फर्क हो जायगा और यह फर्क आखिर तक होता चला जायगा। जब मैंने इसको फैला कर देखा तो मेरी समझ में आया। पहले मुझ को इसका आइडिया नहीं था।

मैं एक सवाल और जनाब की खिदमत में अर्ज करना चाहता हूं। माना आपने डिस्क्रिमिनेशन ही कर दिया। जैसा मैंने पहले अर्ज किया इस डिस्क्रिमिनेशन का ज्वाइंट हिन्दू फैमिली पर असर पड़ता है। और उसमें भी जितना खानदान ज्यादा गरीब होगा उसके साथ उतना ही ज्यादा डिस्क्रिमिनेशन भी होगा। आपने जो रियायत ज्वाइंट हिन्दू फैमिली को दी है कि अगर कोई शख्स १८ वर्ष से पहले मर जायगा तो उसके पास जो जायदाद होगी उस पर टैक्स नहीं लगेगा, यह किस को ओपन है और किस हद तक ओपन है। जो मारजिनल खानदान है वह इसका फायदा नहीं उठा सकेंगे जितने जितने आगे बढ़ते जायेंगे उतना उतना फायदा होता जायगा। लेकिन एक गरीब खानदान को जो कि अमृतसर में है इस से क्या फायदा होगा अगर बम्बई या पूना में किसी खानदान को फायदा हो जाय। It is the policy of robbing Peter to pay Paul. यही हालत इनकम टैक्स में होती है और मैं बहुत मर्तबा अर्ज कर चुका हूं कि किसी पंजाब वाले को क्या फायदा अगर किसी ऐसे आदमी को रियायत दे दी गयी जो कि ५०० मील दूर रहता है। मुझे इस से क्या मतलब कि आप दूसरे पर क्या टैक्स लगाते हैं। दूसरों को आप रियायत दें इस से मुझे क्या फायदा हो सकता है। यह कोई कलेक्टिव फाइन तो है नहीं जो कि अगर एक से ज्यादा वसूल हो गया तो दूसरे से कम वसूल हो जायगा। यह तो टैक्स है। इसमें पुअर फैमिलीज को नुकसान होगा और रिचर फैमिलीज को फायदा होगा। यहां यह डिस्क्रिमिनेशन इन दोनों खानदानों में ही नहीं है, आगे चल कर और भी डिस्क्रिमिनेशन हो जाता है।

मैं एक सवाल पूछना चाहता हूं फाइनेंस मिनिस्टर साहब से कि इसमें फैमिली एरेंजमेंट का क्या बनेगा। किस तरह की स्केल के अन्दर उनको रखा जायगा। गौड़ के हिन्दू कोड के सेक्शन १७३ में फैमिली एरेंजमेंट के मुताल्लिक यह दिया हुआ है :

Gour describes family arrangement as follows:—

"A family arrangement is the bona fide settlement of a claim or dispute by members of a family, made or acquiesced in for the benefit, peace or security of the family generally or for preserving its property or honour.....

Explanation. It is not essential to a family arrangement that its benefit should be limited to the members of a family, since a stranger may equally benefit by it."

Shri S. S. More: It will come under another clause.

Pandit Thakur Das Bhargava: No, Sir. Please hear the whole thing, and then if a reply is called for, you may reply.

There is something like a partial partition in a joint family. Then again, partition can be reopened in a joint family, if there are posthumous sons or if there are disqualified heirs or in other cases on the basis of fraud etc.

अब जनाब आप मुलाहजा फरमाइयें कि टैक्स लग जायगा। टैक्सिंग अथारिटीज, कंट्रोलर साहब, तो अपने हिस्से को लेकर भाग जायेंगे। क्या उनके ऊपर आइन्दा कोई दावा हो सकेगा? क्या वह सवाल रीओपिन हो सकेगा? क्या पार्टीशन एक

[पंडित ठाकुर दास भार्गव]

नये सिरे से, जब कोई नया आदमी खानदान में पैदा होगा जो उस वक्त पैदा नहीं हुआ था, रीओपिन होगा ? और क्या रीओपिन हो कर कंट्रोलर साहब से वह सारे का सारा दिया हुआ रुपया वापिस रीफंड लिया जा सकेगा ? मैं जनाब वाला, अर्ज करना चाहता हूं कि इस सारे मामले में इतने झगड़े पैदा होंगे कि यह मुकद्दमेबाजी कहीं खत्म नहीं होगी खसूसन ऐसे इलाके के लोग जो हिन्दू धर्म शास्त्र से भी अच्छी तरह वाकिफ़ नहीं हैं, उन की खराबी का तो कोई अन्दाजा ही नहीं लगाया जा सकता कि इस चीज का उनके ऊपर कितना भारी असर पड़ेगा।

इसलिये मैं अदब से अर्ज करना चाहता हूं कि अब जब कि यह टैक्स लग रहा है तो इसके लिये जो रूल्स बनेंगे, जिनका अभी जिक्र किया गया था, उनके ऊपर ज्यादा तवज्जह से गौर किया जाय, जिनका कि इस सैक्शन से वास्ता नहीं है। जिन का इस सैक्शन से वास्ता है, उन के बारे में तो दो ही बातें मैं अर्ज करना चाहता हूं। अव्वल तो यह है कि अरिथमैटिक के असूल लगा कर सोचिये और यह देखिये कि जहां नान मिताक्षरा फैमिलीज में एक डैथ होगी वहां मिताक्षरा फैमिलीज में उन के मुकाबले में क्योंकि मैम्बर्स का नम्बर बहुत ज्यादा होगा, मौतों की फ्रीकुवेंसि ज्यादा होगी और २५ साल के अर्से में आप मालूम करेंगे कि मिताक्षरा फैमिलीज में बमुकाबले नान मिताक्षरा फैमिलीज के ज्यादा टैक्स पड़ेगा। यह सब फ्रीक्वेंसी आफ डैथ्स की वजह से होगा, जैसा मैं ने अभी कहा कि वहां नम्बर बहुत ज्यादा होगा।

इस के अलावा मैं अदब से अर्ज करना चाहता हूं कि जो रिआयतें आपने दी हैं, उन रिआयतों को आप वापस ले लीजिये। हमें कोई रिआयत किसी तरह की नहीं चाहिये। अगर नुकसान भी होता है तो मिताक्षरा फैमिलीज में नुकसान ही होने दीजिये। लेकिन साइकालाजिकली हमें यह चीज पसन्द नहीं है। हमें मिताक्षरा वालों को आप मुंह दिखाने के लिये रहने दीजिये, हम यह किसी का कहना प्रसन्द नहीं करते कि हम को हिन्दुस्तान में कोई रिआयत दी गयी है। हमारा कितना ही नुकसान हो, या फ़ायदा हो, इस तरह से हिन्दू ज्वाइंट फैमिली को सिंगल आउट कर के इस तरह से टैक्स करना, हम को बिल्कुल पसन्द नहीं है। यह कोई एक देश है या इसमें अलग अलग टुकड़े कर के इस तरह टैक्स आप लगाना चाहते हैं ? यह बिल्कुल एबसर्ड है, यह एक बदनुमा धब्बा है। हम इस सैक्युलर स्टेट में इस को किसी तरह से बरदाश्त करने को तैयार नहीं हैं। जितनी भी रियाअतें दी हैं, आपने दफ़ा १४ में जो कहा, हमेशा कहते रहे हैं आप उन को वापिस ले लीजिये। इनकम टैक्स के बारे में मैं हमेशा कहता रहा हूं कि किसी को कोई रिआयत देने की जरूरत नहीं है। हम चाहते हैं कि आप हर एक के साथ इंसाफ़ और ईमानदारी का सलूक करें।

तो गो मैं स्केल के बारे में और अर्ज करना नहीं चाहता, स्केल से हिन्दू ज्वाइंट फैमिली को और ग़रीबों को खसूसन ज्यादा नुकसान रहता है, उस का किसी तरह कम्पनसेशन नहीं हो सकता है। कम्पनसेशन की बात करना अन दी फेस आफ इट एबसर्ड है। इस वास्ते में अर्ज करूंगा कि यह जो आप की क्लाज है, इस की दो वजूहात पर मैं सख्त मुखालिफ़त करता हूं और अदब से जनाब आनरेबिल फायनेन्स मिनिस्टर की खिदमत में अर्ज करना चाहता हूं कि इसका अब भी

आप कुछ कर सकें तो मेहरबानी फरमा कर देखें कि जो हिन्दू ज्वाइंट फैमिली वाले हैं उन को यह कितना बुरा लगता है । जहां तक मेरा जाती सवाल है या बहुत से और दोस्तों का सवाल है जो मिताक्षरा से बाउंड हैं, उन पर कोई इफैक्ट नहीं होगा, मिताक्षरा में और दया भाग में और मुसलमानों में जहां तक सैल्फ अक्वायर्ड प्रापर्टी का ताल्लुक है, कोई फर्क नहीं होगा । लेकिन ताहम इस का जो साइकोलाजिकल असर है उस को हम नहीं भूल सकते । न मैं अपने नुक्ते ख्याल से भूल सकता हूं और न दूसरे के नुक्ते ख्याल से भूल सकता हूं । तो जहां तक स्केल का ताल्लुक है, जहां तक एग्जम्पशन लिमिट का ताल्लुक है, मैं इस क्लाज की सख्त मुखालिफत करता हूं ।

Shri Raghavachari: Mr. Deputy-Speaker, Sir, I rise to support the amendment of Pandit Bhargava in this way, I was a member of the Select Committee and I had occasion at another time to register my emphatic protest at the way in which the exemption limits and the other decisions of the Select Committee were done away with when we came to consider this Bill. Of course, there might be weighty reasons, as the Finance Minister said for him to change. But I for one feel, Sir, that so far as these exemption limits are concerned, though it is strictly not permissible for me to agitate that matter because there has been a decision about it under clause 34, yet whatever inequality, whatever injustice, whatever other considerations that came into taking that decision, this is a moment when I can refer to them and state clearly why it is that I am supporting this amendment. Personally, Sir, as a member of the Select Committee, I was against any further extension of facilities than what was deliberately arrived at after mature consideration. But my own impression is this. I have found watching the discussion throughout that there was such an uproar and noise everyone saying 'Dayabhaga is in danger, Dayabhaga is in danger' .....

Shri Achuthan (Crangannur): That is a more sensible saying.

Shri Raghavachari: No sense in that. There was such an uproar saying 'Dayabhaga is in danger'. What is it?

Dr. M. M. Das: Now it is the opposite. It is the Mitakshara in danger.

Shri Raghavachari: It is not Dayabhaga; it has become 'Daya Bhaga', which is mercifully treated by the Government. You see in the name of Dayabhaga, there is an uproar and the whole community, every human being in India except the Mitakshara sharer, has been given the extended benefit. It is only the coparcener who dies in the Mitakshara joint Hindu family who is deprived of the thing and every other person enjoys it. It is certainly open to the charge of discriminatory treatment.

I do not wish to read all the sections, but I have examined the language of the articles and to my mind it looks though it may not exactly come under article 14 Still it certainly offends against the spirit enunciated by article 14. I do not wish to read article 14 except to refer to the relevant portion of it which says: 'shall not deny to any person equality before the law or the equal protection'. It may be argued very technically that there is nothing in this law that is protecting anybody and so on. But it is equality of law, equality before the law. Certainly this law makes a discrimination in taxing the part of the property of a particular individual to a particular extent and in the case of another individual not to that extent but differently. In this connection, Sir, I wish to draw attention to article 13(2):

> "The State shall not make any law which takes away or abridges the rights conferred by this Part..."

This is, in spirit, abridging that guaranteed right that a man should be treated equally before the law. When

[Shri Raghavachari]

you have decided this matter this way and it goes before the court, what exactly will be the decision? As a lawyer, I feel that there is something to be stated that this portion of the discrimination in the exemptions is exposed to the danger of being held to be not perfectly within the spirit of the Constitution. Apart from that, I only am concerned by submitting to you that the rates at least may be so altered that the danger or the harm is reduced as far as possible.

You see, Sir, the Select Committee in their exemptions proposed, made a difference of about Rs. 25,000. According to the rates proposed by the Finance Minister, it would be an advantage to the Dayabhaga family—I would not even call it Dayabhaga;—I would call it all the rest of the people of India except the unfortunate Mitakshara family—and if that man dies the difference in tax at 5 per cent. would be Rs. 1250.

But now the difference is going to be about Rs. 3,000 or Rs. 2,500 because Rs. 50,000 is to be taxed at 5 per cent. It will work out at Rs. 2,500. Therefore, even now if the rates are reduced to 2 per cent. the inequality may certainly be a little reduced and that would make a difference of about Rs. 1,000 only. That is the least thing that can possibly be done in the light of the present situation which has arisen as a consequence of the agitation for greater Dayabhaga exemption limit having been accepted. Estate duty is concerned with the estate of the deceased. Whether he is governed by this law or by that law, whether he is an individual or otherwise a family whether it is self-acquired property or not, all these are considerations that are outside the scope; yet they were all simply placed before the House to show that there is some inequality that there is some hardship that is going to be suffered by the Dayabhaga system. In view of that they got the benefit and with them also all the sections of the people got the benefit except the unfortunate Mitaksharawalas. It is also unfortunate that the Government seems to be committed to ruin this institution of Mitakshara family. In fact, it may not be all quite relevant here—if section 37A which was proposed was also accepted it would have been a further ruin of this Mitakshara families. In the name of avoiding hardship to a particular system of law, all the sections have got the benefit except the unfortunate Mitakshara. Therefore, I support the amendment of Mr. Bhargava and say that the rate might be reduced from 5 per cent. to 2 per cent.

Pandit S. C. Mishra: Mr. Deputy-Speaker, Sir, when this Bill was first introduced in the House, we have seen—and you have also seen—that there was general and all-round enthusiasm about this Bill and about the support that it was getting. Unfortunately, Sir, as the Bill progressed from stage to stage, we very steadily found that the enthusiasm of the supporters from all sides—from the side of the Finance Minister too, I will say—began slowly to die out and fall. Sir, at this stage, I will once more say with all the humility in me and with all earnestness draw the attention of the House to it, that this is the crucial point of the whole Bill. Even now, most of the unfortunate things that have happened in between may be remedied by the Finance Minister. I think so, Sir, and therefore I will also request you not to be impatient with me.

Mr. Deputy-Speaker: The hon. Member is afraid of it.

Pandit S. C. Mishra: Yes, Sir.

Mr. Deputy-Speaker: I am always very patient and eager to hear the hon. Member.

Pandit S. C. Mishra: Sir, just the day before yesterday when you were broadcasting from the cricket field, I found that you were an out and out true Brahmin because even in the cricket field you can go on talking about the Gita. Sir, in my part of

the country—I say this for your sake and you should know about things that are prevalent all over India because you preside over the destiny of the whole of India—in my part of the country there is a saying, and every Bihari knows it—

An Hon. Member: Please explain that.

Pandit K. C. Sharma: It is not a dignified expression, Sir; it is not fit to be translated.

Pandit S. C. Mishra: Though I may call myself a Brahmin, I do not know everything like him. I am not at a learned. Therefore I want some more time to explain what is in my mind. Therefore I say that the Finance Minister should also devote some of his attention to these things. The mood of the House started falling off from that controversial point exemption limit from 75,000 to 100,000. In the beginning I thought that the Finance Minister was perhaps giving a concession to a small minority; it looked like that. I thought so because of the association which the Finance Minister has with statesmanship—and habits always die very hard—I thought he has just fallen because in olden days it was always the minority which had to be pampered. I have gone through all the figures of property and income-tax that we gather in India and from that I find that whatever might have been in the Finance Minister's mind, though he was only giving a concession to a small group, he has really given away a very big part of the income that he would have derived without that little concession. I will quote from his figures from the income-tax statistics for 1951-52 As Pandit Bhargava says the Hindu undivided family is always there. I have found out that the total income that is assessed from the Hindu undivided family is Rs. 80 crores for tax purposes and Rs. 33 crores for super-tax purposes, and the total value of the property that is taxable all over India is Rs. 810 crores. The joint Hindu family for whom they have put this Rs. 50,000, they pay income-tax and super-tax on an annual income of about 113 crores of rupees. I will say about rupees 120 crores; you can calculate what will be their property. If the Finance Minister will fall in line with me, I think it should be about 16 times the value of income that should form the basis of property.

An Hon. Member: Why?

Pandit S. C. Mishra: You will see there are companies which pay up to 3½ per cent. dividend or something like that. There are also banks etc. Then, if you ask the agriculturists, they will say about 10 times the income is really the capital that is invested in that property. Therefore I have put it at the mean figure of 16 times. It can go up to 20 times; approximately, it may be upto 20 times.

Then we find that the property of the Hindu undivided family will be about 20 arabs, that means 2,000 crores of rupees. It would be so much from that source and about 80 times that amount from other sources. I can calculate from this—for the Finance Minister—what will be the annual income under this head, the capital tax that we are going to levy or the death duty that we will be gathering. For purposes of calculation about 16 years are taken to be time when the father hands over things to his son and the son to the grandson and so on. Therefore, I can say that the property that will be annually assessed for income should really be the property which will be changing hands every year. Therefore, Sir, I say that under the pretext of Dayabhaga or whatever it is, he has given away a large portion of the tax that he would have gathered from year to year. If he turns to the income groups, he will also find that most of the property is concentrated between the income groups of 2 lakhs to 5 lakhs.

Shri Feroze Gandhi (Pratapgarh Distt.—West *cum* Rae Bareli Distt. —East): Don't give him all this information.

Pandit S. C. Mishra: They must be at his back; he has not brought them forward. So much about discrimina-

[Pandit S. C. Mishra]

tion and I do not want to go much into it. I say if inadvertently he caused it, let him not make it a bone of contention between the majority and the minority. The Finance Minister described the Mitaksharas as the majority in the country. But, property is certainly in the hands of the minority. Therefore he is losing a very big portion of the amount of taxation that he would have got otherwise. I would request you once more to find out whether you cannot do away with this new quarrel that you have set ablaze in your country.

Now I will turn to the rates of taxation proposed by the Finance Minister and which is going to be the basis of the taxation. With your permission I will read it out: You will find that at lower stages you raise a tax after every Rs. 50,000/.

First Rs. 50,000/- Mitakshara family	nil
Next Rs. 50,000/- do.	5%
First Rs. 1,00,000/- (others)	nil
For next Rs. 50,000/-	7½%
Between Rs. 1,50,000—2,00,000	10%

For the income group between Rs. 1,00,000 and Rs. 1,50,000/- your tax is 7½ per cent. Now I would request the Finance Minister to consider and see the effect of his decision.

The Finance Minister was very keen about his taxation policy. If you do not exclude Rs. 2,500/- on charities etc. It can just push in all your slabs one step ahead. On Rs. 2,500/- at the rate of 2½ per cent. it will come to exactly Rs. 62/8/-. The Finance Minister has got to bear the deity Lakshmi with him and he should be wise like that. But then just by a stroke of pen what are you doing there above those little things on which you are so hard. From Rs. 1,50,000/- you jump to Rs. 2,50,000 For the next Rs. 2,00,000/- it is 2½ per cent. Down below on every Rs. 50,000/- your rate increases. But as soon as you come to comfortable points—I do not mean comfortable for you.....

An Hon. Member: He is not addressing the Chair.

Mr. Deputy-Speaker: I have not two lakhs or three lakhs of rupees.

Pandit S. C. Mishra: I had forgotten this. I was saying, Sir, that as soon as we leave aside the lower slabs and go a bit high the rate of taxation jumps from Rs. 50,000/- to Rs. 1,00,000 and then from 2 lakhs to five lakhs, ten lakhs and 20 lakhs of rupees.

If in the last group we take fifty lakhs instead of five lakhs or four lakhs of rupees, I will calculate for the hon. the Finance Minister the amount that he is loosing on behalf of the State. He may keep the maximum at 40 per cent. about that I have no quarrel with him. The other day one of my friends asked me to suggest the solution. I said that I think in my country, to begin with, 5 per cent. will be all right. The Finance Minister has an accommodation with me on that point and therefore, I cannot complain about 5 per cent. as the lowest slab or 40 per cent. as the highest slab. What I am concerned with is about the big jumps that he makes after one lakhs of rupees which takes out of the poor coffers of the country very large sums that he could utilise very well otherwise. Then on every one lakh of rupees you are giving away 40 times of what you were getting with that charitable little Rs. 2,500/- etc.

The Finance Minister has found out a net which catches all the small fishes but it is so knit that all the big fishes swim out. I wish to know through you, Sir, why so much generosity is shown to all those people who can pay even 40 per cent. Certainly they will not die. I can assure you these are people who are paying big salaries and income-taxes and big super-taxes also. Their property is not inconsiderate and no great harm will come if their property is taxed. In this House I have heard that the President's previous sanction is necessary for the revised rates but I would

request the Finance Minister to exercise his influence and get it endorsed. There will be nothing lost if the Finance Minister could come forward with his own logic. This is the common man's view point which I am placing before him. You are certainly doing a great injustice by being so hard on the lower income groups--lower ladders, and suddenly so generous on the high ladders where without giving real trouble to anybody you can gather taxes. If you put 2:5 per cent. increase on every slab of a lakh it will give us 40 per cent. on sixteen lakhs of rupees. In my country, Sir, sixteen lakhs of rupees is not a small amount. According to the Finance Minister's rates at Rs. 50,00,000 we get Rs. 40 per cent. You can bring it down to Rs. 16,00,000, and I can assure you that you will be getting twice the income that you will now get.

Shri Morarka: Under your amendment you want to charge 40 per cent. on eight lakhs of rupees and not sixteen lakhs of rupees.

Pandit S. C. Mishra: It is on ten lakhs of rupees. If I have my own way I would have liked it to be on ten lakhs.

Mr. Deputy-Speaker: Hon. Member can certainly have his own way, but that requires the President's sanction. Has not enough been said about this matter?

Pandit S. C. Mishra: That is only academic.

Mr. Deputy-Speaker: President's sanction has not been obtained for increasing the rates. Even if the hon. the Finance Minister will agree to that he must get the President's sanction.

Pandit S. C. Mishra: Here President means intention of the Government.

Mr. Deputy-Speaker: The hon. Member has generally said that on lower income groups the slab is bigger and on the higher property groups the slab is smaller. That has already been discussed sufficiently. It will be useless now to pursue that matter because there is no amendment either from the Government side or from the other side. Therefore, the hon. Member might proceed to other things.

Pandit S. C. Mishra: It is only academic Sir. With your permission, I might say that the President's means the intention of the Government. The Finance Minister can take shelter under this pretext. He is an expert in getting behind these shelters but I hope he will not, because everybody has to explain the needs to the country at large. It would not be convincing—it will carry conviction with nobody if he says that because the President's sanction is not there the Government cannot do it. Because the Government gives it, it means it is done with the President's sanction. With these words, Sir, I close.

Shri A. M. Thomas: Mr. Deputy-Speaker, Sir, we are coming to the closing stage of the Bill and we are, so to say, on the last provision of it though it is not the least. Having regard to its importance, had it not been for the fact that the House is now, so to say, weary, we would have taken days to discuss the rates schedule itself.

Sir, I am surprised that hon. Members of the eminence of Pandit Thakur Das Bhargava and Shri Raghavachari should rake up questions which have been discussed at various stages in this House, that is, the difference which has been made in the treatment of persons following *Mitakshara* and the treatment towards persons following the other systems of inheritance. Sir, no useful purpose, I think, at this stage, will be served by repeating the arguments which have been stated more than one or rather, on innumerable occasions in this House. Sir, the provisions we have made in clause 34 which have been referred to by hon. Member Pandit Thakur Das Bhargava should not cloud our approach to this question of rates at all. Sir, there is a section of opinion which says that so much fight ought not to have been put in this exemption limit and that more attention ought to have been devoted to the rates question. Sir, I would

[Shri A. M. Thomas]

however still hold that the increase of the limit to Rs. 1 lakh meets two objections. As far as possible equality in the incidence of taxation is reached. While trying to level inequalities by this progressive measure we are not cutting at the root of a decent standard of living. We are not only resorting to a levelling down process but also a levelling up process as well. Sir, the fundamental nature of human duals have natural rights to dispose of beings itself has to be understood when we try to adopt taxation measures of this kind. It is well known that heads of families as well as private individuals have natural rights to dispose of their goods and possessions and parents have a strict obligation of bequeathing goods and properties to their children. One of the strongest motives the heads of families and individuals have for an earnest and sincere work is precisely the right to which I have referred. My submission is that we should not cut at the root of that natural feeling that every human being has got. Sir, when this standard has been adopted, we are not excluding those persons who follow *Mitakshara* system of inheritance. With regard to self-acquired property the same standard is being applied. I do not think there is much scope for any more rancour on this score. Because the limit has been raised, I feel that one cannot afford to be complacent. The trend of the discussion in the first reading stage, that is, before the Bill went to the Select Committee, was for an exemption limit of Rs. 1 lakh. My friend, Shri Raghavachari, was saying that the House ought not to have interfered with the discretion exercised by the Select Committee. Sir, I would submit that during the first reading stage itself—I would invite the attention of this House to that fact—you, Sir, have made a very interesting and instructive speech on the floor of this House. You said:

> "Therefore, from the point of view of disruption of the joint Hindu family I have absolutely no difficulty. It is not going to be disrupted. It will be continued if a different policy is adopted so far as this Bill is concerned, if middle class people are not taxed, if sufficient property is left to maintain their children after they pass away, if a minimum limit is imposed..."

And then, Dr. Lanka Sundaram intervened and asked: "What will be your suggestion?" Then, Sir, you were pleased to remark: "A lakh of rupees". We might also find, Sir, the remark which has been made by Prof. S. M. Agarwal...

Pandit Thakur Das Bhargava: Is the lakh of rupees with reference to *Dayabhaga* family or for all the families?

Shri A. M. Thomas: For all. What I was driving at is this; because this limit of Rs. 75,000 has been raised to Rs. 1 lakh, that should not cloud our issue and should not affect the question of rates at all. Sir, at the first reading stage, Prof. S. N. Agarwal, who cannot be accused of having any soft corner towards any vested interests or the capitalist class of society, was pleased to observe as follows:

> "I would also join some other Members in the suggestion that either it should be incorporated in the Bill itself or the Finance Minister on the floor of this House should make an unequivocal declaration that in any case this Bill is not meant to touch people below Rs. 1 lakh as it was provided for in the previous Bill. I think it is very essential in order to nip in the bud the very harmful and very mischievous campaign which is going on throughout the country."

Sir, why I invite the attention of this House to this statement made about a year back, is because people seem to think that a great concession has been made by the hon. Finance Minister when this Rs. 75,000 has been raised to Rs. 1 lakh; I would like to submit that it was a great diplomatic stroke. He knows that the matter of rates was

the more important thing, and granting a concession in this direction was not going to affect the exchequer at all. Sir, when we go through the rates, I am at a disadvantage, because I want to achieve the same results the hon. Finance Minister wants to acheive by reducing the rates on the smaller estates and increasing the rates on the larger estates, but that is not possible now having regard to the ruling, Sir, you have been pleased to make. The rates envisaged in the schedules that have been tabled by the hon. Finance Minister can be attacked from two standpoints. One is the stiff rates proposed above the exemption limit and the second is the stiff steep rise with every successive slab. Sir, these are the two objections which can be raised to the schedule that has been propounded by the hon. Finance Minister. Dealing with No. 1, namely, the effect of stiff rise proposed above the exemption limit, a comparison with the British rates will be very instructive in this connection. I am aware of the fact that the hon. Finance Minister had made that fact very clear in this House—that with regard to the U.K. Act there is not the slab system but it is the step system that is obtaining there. However, Sir, the principle that we have to adopt with regard to the smaller estates—has not to be different. Sir, I am also aware of the fact that the exemption limit provided by the U.K. Act does not go as far as the exemption limit that we have provided. Even bearing all these facts in view, my submission is that it is very useful to compare the rates of the U.K. Act and then try, as far as possible, to have some adjustments with regard to the smaller estates in our, Bill also. We have to bear in mind that with regard to the U.K. Act, there is property passing in substantial measure during the lifetime of the owner himself. Perhaps after the introduction of the Estate Duty Act in our case also, properties may pass similarly. I would just cite the very interesting instance of the will of Lord Linlithgow. We know that Lord Linlithgow, who was our Viceroy and Governor-General, even after going back from our country had substantial means and his income per month was a very substantial amount—I do not remember the exact amount since I do not exactly know the salary he was drawing as chairman of some concern. Whatever it be, we know that as a matter of fact his yearly income was a very substantial amount. Then, we recently read in the newspapers that the properties disposed of as per his testament amounted only to £500. The properties in the U.K. were passing off, perhaps because of the introduction of the estate duty. We will also find that in Britain, duties are very small in the last ranges, rising from 1 per cent. on £2,000 to £3,000, to 2 per cent. on £3,000 to £5,000 and then to 3 per cent. on £5,000 to £7,500 and to 4 per cent. on £7,500 to £10,000.

We will find that there the rates are not as stiff and as steep as we find them in our schedule. Sir, the facts which we have to bear in mind in a taxation measure of this nature—of course it has been pointed out on some occasions before—are, that this is a measure which you are introducing for the first time in this country and no scare should be caused among the people who earn after meeting their current expenditure. I should also submit that it should never create any discontent. Imposition of any tax is bound to create discontent, but all the same, as far as possible, we must try to avoid discontent in regard to this matter.

Comparisons have often been made with the British system by the hon. the Finance Minister himself when he was dealing with several provisions of this enactment. But we have to bear in mind that in Britain a rebate of 45 per cent. is allowed on estate duty payable on agricultural land, whereas we give 25 per cent. rebate and that for estates worth less than Rs. 2 lakhs. We have also to bear in mind that we have no comprehensive social services that U.K. has got. We are only marching towards the measures which should be prevalent in a welfare

[Shri A. M. Thomas]

State. Another fact that we have to bear in mind is that the average Indian family is larger than the British family and there are more onerous calls on an Indian than on a Britisher. Having also regard to the mounting cost of living that we are just now experiencing, I feel, Sir, that a little more consideration ought to have been shown in the Schedule with regard to the smaller estates. I would commend to the attention of the Finance Minister that with regard to the estates worth, in the case of joint families, above 50,000 to 1 lakh it may be 3 per cent. and after that 5 per cent. and then 7½ per cent. I would also say, as pointed out by Shri Mishra that the jumps that the Finance Minister makes are rather very long jumps.

Shri Gadgil: High jumps.

Shri A. M. Thomas: High jumps or long jumps it will depend upon the approach which persons make.

After one lakh we come to 1½ lakhs; then to two lakhs and then afterwards the figures are much higher. I ask: is it not possible to get the same revenue by just dividing the slabs a little more equitably, by reducing the rates at the lower slabs and increasing the rates at higher slabs. Having regard to all these considerations, I would submit that some modification, at least with regard to the smaller estates, is called for.

Shri K. K. Basu: Mr. Deputy-Speaker, Sir, I had given notice of an amendment, which according to your ruling requires the sanction of the President. Before I deal with the rates as such, I would like to make a few observations about the differentiation that is sought to be made about the exemption limits.

Mr. Deputy-Speaker: I allowed one or two statements for the simple reason that consolation is the remembrance of sorrow. The hon. member need not reiterate that point.

Shri K. K. Basu: I do not wish to rake up the old controversy. But one constitutional point has been raised about the discrimination.

Mr. Deputy-Speaker: That has also been disposed of.

Shri K. K. Basu: Then, Sir, I come to the question of rates. When the Estate Duty Bill was ushered in our Parliament, the hon. the Finance Minister said that he is going to bring about an egalitarian society. But unfortunately the rates which we are now going to accept are not in any way going to level the disparity in wealth. We know that in our country there is a large amount of feudal wealth which for years has remained unproductive without coming to the service of the community. We thought that the Finance Minister by bringing this legislation try to get back that wealth for the service of the community. Here, Sir, we have put in 40 per cent. as the highest limit. If we work out the figures—the other day I found it being actually worked out in the 'Commerce'—even a person owing Rs. 1 crore will have to pay only 34 2 per cent. of his assets. That means only one-third of the property goes to the service of the community. We would have wished very much that the slab should have been so made that in the lower income group there is more relief. On the other hand we would have very much wished the Finance Minister to have deliberately drawn the schedule in such a way that the hoarded wealth belonging to the feudal lords would come to the service of the development of the country.

In our country there are persons who have their photoframes made of gold, and also lock their wealth in golden and silver utensils which are of no service to the community. We do not wish that such money should lie idle without being utilised for increasing of national wealth.

5 P.M.

Then I come to part III of the schedule which deals with the shares of foreign companies incorporated outside the taxable territory. Sir, we

know that the hon. Finance Minister himself, when introducing this particular section 8(1) said that there is a large amount of foreign capital invested in plantations, mining and electrical concerns and certain public utility services. In our country, nearly 5 crores of rupees are invested in concerns like coal. We have also about Rs. 19 crores in electrical concerns about Rs. 15 crores in jute and the figure for tea plantation is given as Rs. 51:5 crores. The large percentage of these are concerns either incorporated here or in England and they are owned by foreigners. Here it is our attempt that this foreign wealth is utilised for the benefit of the community. Our Finance Minister is not strong enough, as we are at least, in trying to confiscate this wealth for the community. Within the framework of the Constitution of the land, we have brought forward such legislation with powers to tax in such a manner that in the course of time this foreign wealth may come to our country for the utilisation of our national resources. Therefore, we find that so far as the foreign interests are concerned, the Finance Minister has been very soft, for he has given them much lesser slabs than what he wants to do so far as Indian nationals are concerned. So, I am not in a position to move our amendment. I would request the Government to take into consideration when they bring forward a legislation for a lesser purpose to tax the unproductive and hoarded wealth of the country for the development of our national wealth. I would have very much wished the Finance Minister, before bringing forward this schedule and giving advice to the President on the amendment, to have consulted the persons moving their amendments and trying to meet their points of view.

Shri Morarka: Mr. Deputy-Speaker, Sir, I wish to thank the hon. the Finance Minister for moving his amendment No. 637, introducing the rates of duty in this Bill. During the debate on the motion in this House for referring this Bill to the Select Committee, it was a general demand of the hon. Members of this House that the exemption limits as well as these rates must be part and parcel of this Bill. The exemption limits, as you know, were discussed and indicated in the Select Committee Report and the rates are now introduced by means of this amendment.

We are particularly obliged to the Finance Minister for the simplicity of the rate structure which is so very inconsistent with the rest of this Bill. Sir, this simplicity has become all the more pronounced because of adopting the slab-system instead of the step-system commonly adopted or used in the world. The advantages of the slab system as compared to the step system are by no means insignificant or unknown.

I had tabled two amendments to this amendment of the Finance Minister—Nos. 681 and 682. The main idea behind my two amendments was firstly to lower the rates of duty on the lower slabs of property and increase the rates on the higher slabs, and secondly, to give some concession for families other than Mitakshara, Marumakkattayam and Aliyasantana. Since, the minimum exemption limit in the case of other persons had already been increased from Rs. 75,000 to Rs. 1,00,000, my second point is fully met.

The only question that remains is about the first point, namely, the rates of duty on the lower slabs and higher slabs. Since we are not allowed to move any amendment on the higher slabs for increasing the rate, I would only concentrate my criticism of the rates on the lower slabs. Here, I frankly feel that in fixing the rates on the lower slabs of property, preponderant importance is given to the revenue aspect and the social motive behind this Bill is subordinated to the financial considerations of the State. There can be no two opinions on this point that this Bill is primarily designed to achieve economic equality by a democratic method, i.e., to achieve the social objective rather than to meet the revenue needs of the State. The purpose of bringing about economic

[Shri Morarka]

equality during a given period of time by democratic methods and in an orderly fashion, would have been easily achieved, by keeping these rates low and moderate at least in the beginning on the first few slabs. I don't think that the finances of the State are going to be affected seriously. At least for the first two or three years, it must be kept moderate. There can be no direct relation between the needs of the Government and the rates of death duty for the simple reason that there is no predictable base so far as this taxation is concerned. The citizens, as you know, die and would continue to die without any regard to the financial needs of the Government, and since the Government cannot predict the amount of tax that it can realise, it is not possible for the Government to base any calculation or to rely to any definite extent on this source of revenue. Secondly, because of inevitable delays in administering the estates, even by increasing the rates, you would not get increased revenue for the next two or three years. From that point of view you can't have a direct relation between the needs of the Government and the death tax rate. Therefore, the estate tax by its very nature is not adaptable for use for accomplishing elasticity in the tax system.

I am further fortified in my argument by the fact that this power of taxation is given by the Constitution to the Union Government and not to the States, even though all the proceeds under this tax will ultimately go to the States. Why is this so? The constitution-framers knew that it is only the Union Government which can be the custodian of the social motive and with this idea they did not allow the States to exercise this power of taxation even though the States were to get the largest share of collection under this tax.

Then, Sir, before fixing these rates on the lower slabs, the Government must decide as to the level at which it wants to equalise the distribution of wealth in the country. Unless and until the Government decides that, it is no use fixing these rates at random. The exemptions indicated in clauses 32 and 34 do give some idea, but that by itself does not give the complete picture. I respectfully submit that before these rates are decided for the lower limits, you must take into consideration the degree of social service that is available in the country. And if it is desirable that some private property should be left in the hands of the people to look after themselves and to discharge the moral and economic obligations towards their families, I think there is sufficient justification for liberal exemptions and lower rates on the initial slabs. My main criticism against this rate structure—if indeed it is not the only one—is that the rate is too low on the higher slabs and too high on the lower slabs. Take the examples of England and America, whose precedents we have followed very often. Take England first. You find that the tax on the first two slabs is 1 per cent. and 2 per cent. as against 5 per cent. and 7½ per cent. proposed in this country. If you compare these rates with those which are in existence in England you will find that right from the year 1894 when these duties were first introduced till today, that is for about sixty years, the rates on the first two steps have continued unaltered, though the rates on the higher property steps have undergone radical change, that is from 8 to 80 per cent. But the rates on the lower steps have remained constant at 1, 2 and 3 per cent. and so on. The argument that because the exemption limit there is lower, the rates on the first few steps are lower and because the exemption limit is higher here we can have higher rates in the first few steps, has no force. Because, as you know, Sir, in England, in the year 1946 the minimum exemption limit was raised from £100 to £2,000, that is by about twenty times, and still the rates of duty on the first two steps remained the same. Therefore I would submit that there is no justification at all for suggesting that because our exemption limit is

higher as compared to the exemption limit in England, we could keep a higher rate of duty on the first two steps.

Take the case of America. If a person leaves a property worth about Rs. 5 lakhs he has to pay about 5½ per cent. In India if a person leaves a property worth about Rs. 5 lakhs he will have to pay 10½ per cent. I think nobody would have the hardihood to suggest that the rate of property formation in India is higher than in America or that the existing estates in India are bigger than those in America. And that being so, we can find no justification for making the rates here higher than what they are in America.

Or again, take Australia and Canada. There also on the first few steps the rate is very moderate, nearabout 1 per cent.

I have taken the examples of these two countries because the degree of social service is so advanced there and yet the people have to pay a very low rate of duty in the beginning. In our country, though social service and social security are not so advanced, yet we are called upon to pay a very much higher rate of duty than what is obtaining in those countries. In saying this I may not, however, be mistaken to suggest that our rate structure, on the whole, is higher than the rate structure in other countries. What I want to convey is this, that our rates are high on the low steps and low on the high steps.

Therefore it would be very necessary for the Government in the interests of fairness and justice to re-examine this rate structure in due course and see whether the rates could not be reduced, at least on the few steps in the beginning; and to compensate for that, they may raise their rates on the higher steps of property.

At the time of fixing these exemption limits all the advantages and disadvantages in other countries have been fully considered. Therefore the argument that because in the other countries the exemption limits are lower therefore the rates are lower, and that because in our country the exemption limits are higher therefore the rates should be higher, is no more available to us, because they have been fully exhausted at the time of fixing the exemption limit.

I do not know whether the simplicity of the rate structure would be impaired if I were to suggest that these rates should be graduated according to the nearness of relationship of the inheritor and the deceased. French and Italian writers have argued at length that grief for the deceased varies in intensity with the closeness of the blood tie and that lower rates on nearer collateral relatives compensate for these varying degrees of grief.

I realise that at this stage it is not possible for Government to consider this or make any necessary changes, but I am sure in due course Government would give consideration to such graduation either on this basis or any other basis by which the nearer or closer relatives may be compensated in a proper manner.

The great danger in fixing these rates high even on the first steps is that temptation would be provided for the people to resort to all sorts of schemes of evasion. And if such temptation is provided even at the low level, the administrative difficulty of the Government would be of a colossal nature. Therefore, if not for any other reason, at least in their own administrative interest, Government should have nominal rates on the lower steps so that people may not be tempted to consider schemes of evasion.

Then, I feel that in the interests of fairness and justice, once these rates are fixed they should be kept stable for a certain period of time. They should not be changed from year to year, and it should not become a yearly

[Shri Morarka]

feature of the Finance Bill. Frequent changes in these rates would only introduce elements of uncertainty in the minds of the people, and it would deter them from planning their economic, social or other life, and they would always be under suspense whether to do a certain thing or not. This knowledge on the part of the people that under legislative practice these rates can be varied at any time will create such a lot of uncertainty in their minds and will have worse effect than what it would be in a stable tax system, the tax-burden of which could be definitely calculated and confidently relied upon.

The stability of the tax is also important from the standpoint of equitable tax burden on the individuals. For whatever reason the tax is imposed, its burden on the estate should not depend merely on the fortuitous circumstances of the level of the rate prevailing in a particular year. Death hits persons only irregularly and by mere chance of accident and nobody else except Providence has control over this. Therefore, in the interests of fairness and justice it is desirable that the tax should be stable over a period of time, so that one may not be compelled to contribute more than the other, merely because one's father unfortunately happens to die at a time when the tax level is higher and the other's father is "fortunate" enough to die at a time when the tax level is lower.

Having said this, I will only in conclusion warn the Government against their over-optimism of tax collection. It has been suggested in many places and in many quarters that they hope to collect about Rs. 14 to Rs. 15 crores, and in any case not less than Rs. 8 to 10 crores, by this measure of taxation. I have my own doubts whether this can ever be accomplished. I will tell you why. (*An hon. Member*: By tax evasion?) Without tax evasion. In England where this duty has been in existence for over sixty years, where there is no joint family, where the tax collecting machinery is more efficient than what we have here, where there is a lower exemption limit, in spite of all these factors, today the total amount collected there under this head is not more than 4 to 4½ per cent. of the total revenue. And in America every year they tax about 300 crores dollars worth of estate, but the tax collected is hardly 30 crores dollars, that is not more than 10 per cent. To realise Rs. 8 to 10 crores we would have to tax property worth Rs. 80 to 100 crores every year. I doubt very much whether this country is so rich that every year we would have taxable property worth Rs. 80 to 100 crores for the purposes of this tax so that you can collect Rs. 8 to 10 crores. In some years you may have a windfall. More persons may die and you may be able to collect Rs. 8 crores or Rs. 9 crores. That is a different matter.

Mr. Deputy-Speaker: What are we discussing? Are we discussing the general principle of the Bill: that this Bill is useless, etc.? It is about a particular slab or particular rates regarding certain slabs. The hon. Member has said enough that the higher slabs should have been taxed more and the lower slabs less. The hon. Member is proceeding to the general question that so many people are not going to die leaving properties worth Rs. 80 crores, etc. That goes to the root of the Bill. We are not at the stage of consideration. That stage has passed. How is it relevant at this stage?

Shri Morarka: Only in conclusion I was saying that the Government should not be over-optimistic.

श्री झुनझुनवाला : उपाध्यक्ष महोदय, हमको बड़ा संकोच होता है।

Mr. Deputy-Speaker: It is a very simple point.

Shri Jhunjhunwala: Yes, Sir. I shall take only five or seven minutes.

हम को यह कहते बड़ा संकोच होता है कि इस मामले में दाय भाग और मिताक्षरा में एक झगड़ा सा लगा दिया गया है।

मिस्टर डिप्टी स्पीकर: झगड़ा खत्म हो गया।

श्री झुनझुनवाला: रेट में फिर आ गया। मेरे कहने का यह मतलब कभी नहीं है कि दाय भाग को बेशी मिले या मिताक्षरा को कम या बेशी मिले। हमारे भाई ठाकुर दास जी ने आपके सामने कहा है कि आपके कांस्टीट्यूशन में क्या लिखा है। उसकी धारा १४ में लिखा हुआ है कि डिस्टिंक्शन करना चाहिए या नहीं करना चाहिए। कांस्टीट्यूशन के शब्दों के अनुसार हमारा यह केस ठीक आवेगा या नहीं। हो सकता है कि न आवे। परन्तु यह तो एक मामूली सी बात है कि एक राजा को दो आदमियों के बीच में किसी भी प्रकार का फर्क नहीं करना चाहिए। सभी को एक आंख से देखना चाहिए, दो आंख से नहीं देखना चाहिए। तो जैसा मैंने शुरू में कहा था यह बात एक दम से अच्छी नहीं है। मैंने उस समय बताया था कि यह भेद हम लोगों में, हमारी ज्वाइंट फैमिली में, ब्रिटिश सरकार ने कर दिया था जो कि हमारी संस्कृति को तोड़ना चाहती थी। अब जब कि हमारा राज्य हो गया है तो हम लोगों को इस भेद को मिटा देना चाहिए। यही मुझ को कहना है। जो लोग मिताक्षरा के ज्वाइंट फैमिली सिस्टम से गवर्न होते हैं उनको इनकम टैक्स का कानून बनने से पहले यह ख्याल भी नहीं होता था कि हमारा कितना है, हमारे भाई का कितना है, बेटे का कितना है। सब एक साथ रहते थे और एक साथ खाते पीते थे। किसी के मन में यह भावना नहीं आती थी कि यह पैसा मेरा है, यह उनका है। पर आपके इस इनकम टैक्स के क़ानून ने उन में अब भेद कर दिया है। अब तो वह यह सोचने लगे हैं कि मेरा हिस्सा इतना है, मुझे इतना टैक्स देना पड़ेगा, उसे इतना टैक्स देना पड़ेगा। आपने जो यह सेपेरेटिज्म की भावना फैला दी है इससे आपस का प्रेम हट गया है। यह आपने अच्छा काम नहीं किया। परन्तु जैसा, कि कहा गया कि नहीं यह बात तो तै हो गयी आप इस पर नहीं बोल सकते हैं। तो मैं इस बात पर क्या कहूं। परन्तु यदी आप थोडा सा भेद रखें भी जैसा कि ठाकुर दास जी भार्गव ने सुझाया है कि ·०१ परसेंट रखा जाय, तो उसका मतलब यह हो सकता है कि भेद प्रायः मिट गया है। मैंने अपने संशोधन में यह कहा है कि ५ परसेंट की जगह २ परसेंट रखा जाय। यदि आप ऐसा कर देंग तो लोगों में यह भावना हो जायगी कि आपने पूरा भेद तो नहीं मिटाया लेकिन थोड़ा थोड़ा मिटा दिया है। जो लोग धनवान हैं उनके लिए तो दो परसेंट और पांच परसेंट में कोई ज्यादा भेद नहीं होता। जब वे दो लाख देंगे तो २५०० रु० अधिक बिना किसी दिक्कत के दे देंगे परन्तु जो नीचे तबके के आदमी हैं उनके लिए यह भेद काफी हो जाता है। डेढ़ लाख की सम्पत्ति के ऊपर, जिनकी सेल्फ एक्वायर्ड प्रापर्टी है उन को जो टैक्स देना पड़ता है वह ३,७५० रहता है और यहां पर जाकर ६ हजार और कितना हो जाता है। तो यह भेद बहुत भारी है। आप यदि ठाकुर दास जी का संशोधन मंजूर न करें तो मेरा जो संशोधन है कि पांच परसेंट से दो परसेंट कर दिया जाय यह संशोधन मंजूर कर लें। यह बहुत मामूली संशोधन है इसको आपको मंजूर कर लेना चाहिए।

इस विषय पर बहुत कहा जा चुका है। मैं फिर फाइनेंस मिनिस्टर साहब से प्रार्थना करूंगा कि वे ज़रा सोच विचार करें और यह भावना कम से कम दिखलावें कि हम आहिस्ता आहिस्ता कर के इस भेद को मिटा रहे हैं और एक दिन आवेगा जब कि हम यह सारा भेद मिटा देंगे।

Shri Shobha Ram (Alwar): Sir, I do not want to speak about the rate of duty; but I want to speak on the Schedule, when we take it in the light of clause 34 where we have been able to prescribe exemption limits for the two different classes of property, there is some confusion in my mind with regard to the mathematical application of the formula enunciated in clause 34. It would be very difficult to explain the whole position unless I take two or three illustrations which will clearly throw light on the formula and its application.

In the first instance, I take two sets of properties, property of the nature described under "A" Rs. 75,000 and the other type of property also Rs. 75,000. Under the present formula which has been given in clause 34, the duty on property "A" will be Rs. 3,125 and that on property "B" will be Rs. 1,875. That means, the total duty that they will have to pay under this formula would be Rs. 5,000. That means, upto Rs. 75,000, the owner of the property does not pay any tax. For the last Rs. 75,000, on Rs. 25,000 he pays Rs. 1,250 and on the rest, 50,000, he pays Rs. 3,750. That is, Rs. 5,000 in all. I would like to draw the attention of the Finance Minister to one aspect of the formula. Wherever the total value of the estate is above one lakh, take any instance, take 1,000 instances, where the ratio of the two different types is equal, that is, one is to one, that is, both the properties are equal in value, you will see that the exemption limit is Rs. 75,000. I take another instance. When the total value of the estate is below one lakh, suppose we say that property of "A" type is worth Rs. 40,000 and the other type Rs. 40,000, the total value of the estate is Rs. 80,000. Under the present clause, we shall be having only Rs. 750 on the property described as "A". That means, we shall be taxing Rs. 15,000 because to get Rs. 750 at the rate of 5 per cent. Rs. 15,000 worth property must be there. That means, we have exempted Rs. 65,000 in such a case. The vital point, therefore, is that whatever relief we want to give to the richer class of people who own property worth more than Rs. 1 lakh should not be denied to persons whose estate falls below Rs. 1 lakh. That is my whole contention. You can take ten, twenty, hundred or thousand instances. Where the ratio between property "A" and "B" is 1:1 in an estate above Rs. 1 lakh, always there will be an exemption limit of Rs. 75,000 and only on the rest of the value of the estate there will be estate duty. Take any number of instances. In the same way, where the proportion between "A" and "B" is 2:3, there the exemption limit will be Rs. 80,000. Where the proportion is 1:4, the exemption limit will be Rs. 90,000. This will be the position in the case of properties worth Rs. 1 lakh or above. But when you come to estates, the value of which falls below Rs. 1 lakh, you will find that as between two different types of property the exemption limit in the first case where the ratio between the properties is 1:1 and where the total value of the estate is 80,000 will be Rs. 65,000 while it is 75,000 in other cases. Where the proportion is 2:3, the exemption limit will be Rs. 80,000. The case may arise where the exemption limit may be Rs. 68,000 where the duty on property of Rs. 32,000 described under "A" and Rs. 48,000 described under "B" are to be calculated. Therefore, my contention is that we should be clear as to what sort of formula we are going to apply.

I have discussed the formula with some of the officials and the sponsors of the Bill and I have discussed it at length also. When we were discussing this question under Clause 34, we found that the formula was a mathematical one. You may call it arithmetical or algebraical, but when you try to see arithmetic or mathematics in the light of the legal interpretation of things, then both the things become inconsistent. The one thing cannot be tenable on the basis of the other thing.

Shri C. D. Deshmukh: On a point of order. Are we discussing Clause 34? I cannot understand this discussion, unless the hon. Member is going to proceed from this argument to some change in the rates—for which, as far as I know, he has not given notice of any amendment.

Mr. Deputy-Speaker: Has the hon. Member given any notice of amendment for reducing the rates?

Shri Shobha Ram: When this formula was being discussed under Clause 34, it was made clear that this formula was bound up with the schedule of rates proposed by Government. There is an anomaly and I am asking the Finance Minister to remove it.

Mr. Deputy-Speaker: That is, the hon. Member wants an alteration in the rates of duty. The anomaly to which the hon. Member is referring can be removed in one of two ways: one being by the removal of Clause 34—that is not possible now, because Clause 34 has already been accepted by the House. The same anomaly can be removed in another way, and that is by an adjustment of the rates. Is that the point?

Shri Shobha Ram: The anomaly can be removed....

Shri S. S. More: It defies removal, Sir!

Shri Shobha Ram: The anomaly can be removed if we see to it that the benefit that goes to the richer classes is not denied to the poor class of people.

Mr. Deputy-Speaker: It is not a deliberate distinction between the rich and the poor. Whichever hon. Member speaks on this particular point should bear in mind that it is too late to go behind Clause 34 which has been already passed. The House has deliberately decided that in case of all families, excepting *Mitakshara* joint Hindu families, the exemption limit will be Rs. 1 lakh and in the case of *Mitakshara* joint Hindu families it will be Rs. 50,000. So, you cannot go behind Clause 34. The rates are now before the House. The rates by themselves do not create any discrimination. In their application to those falling under the Rs. 50,000 exemption limit, it is admitted that there is discrimination. Definitely so. It is said that it is not a discrimination but it is a kind of levelling up and bringing the one in line with the other. That is how it was placed before the House. The House heard all constitutional points, and then only it accepted these exemption limits of Rs. 1 lakh and Rs. 50,000. So far as the rates are concerned, in both the cases the rate is 7½ per cent. above the exemption limit. Is it contended by the hon. Member that whatever difference there is, ought to be made good by a readjustment of the rates, in which case I would like to tell him that that position cannot be canvassed once again.

Shri Shobha Ram: I am not referring to any readjustment of rates.

Shri M. C. Shah: He is referring to Clause 34(2). It has been already accepted.

Shri S. S. More: Even if it be accepted, supposing due to an oversight there has been a mistake. Can we not cure it at some stage? The Bill will be going to the other House, and supposing we are able to convince the Finance Minister that there is a real mistake due to which some people are likely to escape, he would get a chance to correct it in the other House.

An Hon. Member: He cannot.

Shri M. C. Shah: The point is about Clause 34(2) where the procedure is laid down as to how the rates are to be calculated in the case of properties belonging to joint Hindu families and in the case of others, *i.e.* self-acquired properties. But that Clause has already been passed.

Shri Shobha Ram: I submit that Clause 34 should be read in relation to the Schedule. At one time, you were good enough to say, Mr. Deputy-

[Shri Shobha Ram]

Speaker, that Clause 34 and the Schedule should be discussed together, but in view of some points of order, they had to be taken on two different occasions and they had to be split up. I only want to request the Finance Minister to bear in mind, in applying the formula contained in Clause 34(2), to the properties below Rs. 1 lakh, the application should be in a particular light and not in the legal sense. The legal sense is this:—

> "the amount which bears to the total amount of estate duty which would have been payable on the estate had it wholly consisted of property of the nature described in clause (a) the same proportion as the value of such property bears to the value of the estate"..

plus

> "the amount which bears to the total amount of estate duty which would have been payable on the estate had it wholly consisted of property of the nature described in clause (b) the same proportion as the value of such property bears to the value of the estate."

Now according to arithmetical and algebraical calculation, this becomes *minus* when the value is less than Rs. 1,00,000. Supposing the total value of the estate is Rs. 90,000 or Rs. 80,000, then it becomes *minus* and the *minus* should operate with a view to come to the correct duty. When the total value of the property is above Rs. 1 lakh, there is no question of *minus* operating. The question of *minus* comes in only when the property to which the formula applied is less than Rs. 1 lakh in value. Therefore, there is a specific way of applying the formula from the arithmetical and algebraical point of view. I do not want Clause 34 to be removed or an amendment to it to be made. What I say is simply this: whatever benefit the richer classes are going to get should be available to the poor class of people. That is my contention, and the whole problem can be solved by saying that where the total value of the estate is below Rs. 1 lakh, this *plus* must operate as *minus* according to the mathematical and algebraical calculation. I had tabled an amendment. No. 144, to Clause 34, but I am sorry to say that I was not given a chance to speak; otherwise, I would have spoken on that. Anyhow, as Mr. More pointed out, supposing there is an anomaly, there is still time for the Finance Minister to rectify it when the Bill is referred to the Upper House. That is all my point.

Mr. Deputy-Speaker: Shri Krishna Chandra. I will try to avoid the same set of arguments being repeated.

Shri Krishna Chandra: Sir, I have given notice of an amendment which is very limited in scope. It is like Mr. Jhunjhunwala's amendment. It is No. 738.

Mr. Deputy-Speaker: When I went through these amendments one after the other and noted them down, was the hon. member here and did he give out his number?

Shri Krishna Chandra: My amendment No. is 738 in List No. 32.

Mr. Deputy-Speaker: He may speak on that.

Shri Krishna Chandra: The amendment is only this, Sir; that in the rate schedule, Part I, item No. 2, in place of 5 per cent. it should be 2 per cent. It has already been said—I will not repeat the arguments—that the rate structure is hitting more severely the smaller properties than the bigger properties. I will only give an example. If we compare with England, the rate on a property worth Rs. 1,30,000 calculated at our rate schedule for *Mitakshara* would work out to Rs. 4,750. That is, a Joint Hindu Family governed by the *Mitakshara* school of law will have to pay estate duty of Rs. 4,750 on the property worth Rs. 1,30,000, while others in India will have to pay a duty of Rs. 1,600. On the other hand, in England this pro-

perty will only pay a duty of Rs. 1,300. It has already been said that our rate structure is severer at the bottom than at the top.

My amendment, Sir, is very limited in scope and it will be in fairness to the Joint Hindu families governed by the Mitakshara school of law which, I submit, have been hit hard by the amendment accepted by the hon. the Finance Minister in raising the rate of exemption from Rs. 75,000 to Rs. 1,00,000 for other people. In order that this severity might be reduced a bit, I would plead with the Finance Minister that he might be pleased to accept this moderate proposal of reducing the duty on the *Mitakshara* family property for the first Rs. 50,000 from 5 per cent. to 2 per cent. and the other structure might be left as it is.

Sir, it has already been mentioned by the Finance Minister that the total number of Joint Hindu Families is very small in comparison with the properties that will be subjected to this duty. So if their number is so small, then I would submit that if this amendment is accepted, it will not severely affect the finances of the State. It has already been said by Mr. Gadgil that our property structure is broadbased at the bottom and tapers to a point at the top. These Joint Hindu family properties will not fall within this broad base. Their number will be small and if a concession is granted to these families which have been hit hard, I think it will not seriously affect the finances.

Secondly, Sir, as has been so ably argued and stressed here by Pandit Thakur Das Bhargava, if no relief is granted to the people belonging to the *Mitakshara* school of law, then it will lead to disruption of the Joint Hindu family system. I will give you one example. Suppose a family governed by the Mitakshara school of law has property worth Rs. 4 lakhs and the father has three sons. After the father dies, his share of Rs. 1 lakh passes and Rs. 50,000 will be exempted and the next Rs. 50,000 will be taxed. So in order to save himself from this taxation, he might just be tempted to partition the family in his lifetime and if he does so, Sir, then after his death the property that passes, *i.e.* to the value of Rs. 1,00,000, as it will no longer be the property of the Joint Hindu family, will be exempt from taxation. So by the acceptance of this distinction, unconsciously, Sir, a clue will be given to the disruption of the Joint Hindu family system. I will not argue the advantages of this system because that has been stressed before this House already.

I would only again in the end, Sir, plead with the Finance Minister that even at this late stage he may be pleased to accept this humble amendment of mine.

श्री आर० डी० मिश्र : अध्यक्ष महोदय, इस बिल को देखकर मैं यह समझ रहा था कि जो हमारे विधान के डाइरेक्टिव प्रिंसिपल्स में बात कही गयी है, जो बात प्लानिंग कमीशन ने बतलाई है, उस की पूर्त्ति की जायगी। मैं समझ रहा था कि जिस नक्शे को हम अपने मुल्क में लाना चाहते हैं, वह जल्दी हमारे सामने आयगा। लेकिन जब इस बिल के साथ यह दरों का नक्शा हमारे सामने आया, तो मैं चकाचौंध रह गया और मुझे मालूम पड़ा कि जो नक़शा हम अपने देश में लाना चाहते थे, वह नक़शा हमारे फाइनेंस मिनिस्टर साहब जल्दी नहीं लाना चाहते। इस के लिए मैं कहूंगा कि एक पुराना वेद मंत्र है जिस को मैं आप को सुनाना चाहता हूं :

यज्ञेन यज्ञमयजन्त देवाः,
तानि धर्माणि प्रथमानि आसन्।
तेन नाकं महिमानं सचन्ति,
यत्र पूर्वे साध्या सन्ति देवाः ॥

इस का मतलब यह है कि "एक कारण से देवता कार्य पैदा किया करते हैं, उस के कुछ नियम और

[श्री आर० डी० मिश्र]

कुछ क़ानून होते हैं अर्थात् कार्य उत्पन्न होने से पहले कुछ कंडीशन्स होती हैं। वही लोग इस कार्य को पैदा करने में कामयाब होते हैं जो पहले से सिद्ध किये गये क़ानूनों को अमल में लाते हैं।" इसलिए जब कोई क़ानून लागू करना हो तो उस ला अर्थात् क़ानून, नियम को ठीक तौर से लागू किया जाय तो जो वह फल बताता है, वह नतीजे में पैदा होगा, वरना नहीं। जैसे Boyles Law अगर उस को प्रयोग में लाना हो तो उस को उस प्रकार प्रयोग में लाया जाय जिस प्रकार दूसरे विशेषज्ञों ने उस को प्रयोग कर के सिद्ध कर रक्खा हो तो उस के द्वारा इष्ट प्राप्त होगा अन्यथा नहीं। इसी तरह से समाज में हम अगर कोई परिवर्तन लाना चाहते हैं तो हम ऐसा ही क़ानून बना कर प्रयोग कर सकते हैं कि जो दूसरे विज्ञानियों द्वारा पहले से आजमाया हुआ हो। यह ऐस्टेट ड्यूटी बिल जो हम अपने भारतवर्ष में ला रहे हैं, कोई नया क़ानून नहीं है जो हम ला रहे हैं। इस क़ानून को इंग्लैंड ने अपने यहां लागू किया, और आज से ६०, ७० वर्ष पहले इस क़ानून को अपने यहां लागू किया, अमरीका ने भी इस को अपने यहां लागू किया और बहुत सी जगहें हैं जहां पर यह क़ानून लागू किया गया है। उन जगहों पर इस क़ानून के लागू होने पर इस के सम्बन्ध में वहां के बड़े बड़े विद्वानों का क्या मत रहा है और क्या उन्होंने तजुर्बा हासिल किया है, और उन का अन्तिम निर्णय क्या है ? उस तजुर्बे को हमें मालूम करना चाहिए। और उस के आधार पर अपने यहां यह क़ानून बनाना चाहिए। इंग्लिस्तान के राजनैतिक विद्वानों ने अपने देश में जो पहले पहल क़ानून लागू किया तो उन्होंने नीचे का स्तर रक्खा १०० पौंड और १०० पौंड पर उन्होंने कर का रेट रक्खा १ परसेन्ट और ऊपर जा कर कर लगाया ८ परसेन्ट। लेकिन बाद में जब उन्हें मालूम हुआ कि वह उस कर की दर के द्वारा समाज में उस संतुलन की मात्रा को नहीं रख सकते हैं जो वह चाहते हैं। विषमता समाज में बहुत बढ़ती चली जा रही है जिस के कारण देश में हाहाकार मचता है, वह शक्ति जो धन पैदा करती है मुट्ठी भर आदमियों के हाथों में चली जा रही है तो उन्हों ने अपने क़ानून को बार बार बदला। सन् १९०९ में बदला, १९१४ में बदला, सन् १९२५ में फिर, १९३० में बदला, फिर १९३९ में, फिर सन् १९४० में और फिर १९४६ में बदला, अन्तिम बार १९४९ में बदला। उन्हों ने क्या क्या इस के लिये नहीं किया। उन्हों ने सन् १९२५ में कर की दर को ऊंचे लेवेल पर ४० परसेन्ट कर दिया और नीचे स्तर पर एक परसेन्ट ही रक्खा। लेकिन उस के बाद ही यह ध्यान आया कि यह जो गरीब आदमी हैं उन के ऊपर एक एक पौंड लगा कर कोई ज्यादा आमदनी तो होती नहीं, और बिना कारण एक परेशानी खड़ी हो जाती है, और धन बड़े-बड़े पूंजीपतियों के पास इकट्ठा होता ही चला जाता है, यह तब हुआ जब वहां का गरीब तबका ऊपर उठा, लेबर गवर्नमेन्ट आई और हाउस आफ कामन्स में इन्कलाब आया। उन्हों ने इस बला को रोका। उन्हों ने हायर लेवेल पर जा कर अर्थात् दस लाख पौंड की सम्पत्ति पर ८० परसेन्ट ड्यूटी कर दी अर्थात् १०० में से ८० रुपया ड्यूटी रक्खी और नीचे के लेवेल पर उन्होंने १०० पौंड के बजाय २००० पौंड तक की सम्पत्ति को एग्जेम्प्ट कर दिया अर्थात् यह कि २००० पौंड की सम्पत्ति तक किसी को कोई कर नहीं देना पड़े। मैं समझता था कि हमारे फाइनेन्स मिनिस्टर साहब बहुत होशियार और काबिल आदमी हैं, उन की काबलियत का रोब मेरे ऊपर भी है, उन्हों ने इंग्लैंड का कानून पढ़ा होगा, अमरीका का

कानून पढ़ा होगा, क्योंकि वह अंगरेजी जानते हैं, मैं तो पुराने ढंग का आदमी हूं, मैं समझता था कि उन्होंने सब कानून पढ़े होंगे और वहां की दरों को देखा होगा लेकिन मुझे अब पता लगा कि यह दरें उन्होंने नहीं पढ़ीं, या उन की मिनिस्ट्री के आदमियों ने उनको बताया नहीं, या मिनिस्ट्री के किसी आदमी ने उन को सुझाया नहीं, जिस से इस प्रकार का कानून हमारे सामने आया। मैं बड़े ताज्जुब में रह गया। इंग्लैंड और अमरीका में तो यह बात नहीं की गई लेकिन यहां गरीब के गले पर छुरी चलाई गई। नीचे के लेवेल पर कर कर दिया पांच परसेन्ट और कर से मुक्त संपत्ति की लिमिट रख दी पचास हजार। इस में किसी साहब ने पौंड का हिसाब लगाया और सोचा कि चूंकि इंग्लैंड में एक लाख रुपया पर तीन हजार का औसत पड़ता है तो यहां इन लोगों से ढाई हजार ले लो। कर मुक्त संपत्ति तो ऊंची कर दी, लेकिन दरों में छुरी चलाई तेज। लेकिन तीन लाख से ऊपर की सम्पत्ति पर कर की दरों में छूटें देने लगे और बार बार हर स्तर पर देने लगे। जो जितना मोटा असामी उस को उतनी ही छूट। यह बात जब मुझे मालूम हुई तो मैं ताज्जुब में रह गया। यहां देहली से 'जनसत्ता' अखबार निकलता है, उस का एक आर्टीकिल मैं ने इस कानून के सम्बन्ध में हिन्दी में पढ़ा। उस ने भी यह बात कही कि एस्टेट ड्यूटी में जो दरें पेश की गई हैं वह बड़े गलत तरीके पर रक्खी गई हैं। उस में ऊंचे के लेवेल पर तो दरें कम हैं और नीचे के लेवेल पर दरें ज्यादा हैं। मैं समझता था कि फाइनेन्स मिनिस्टर साहब इस पर गौर करेंगे, लेकिन हिन्दी के अखबार को पढ़ता कौन ? यहां पर पार्लियामेंट है, पंद्रह वर्ष तक तो यहां अंगरेजी बैठी है, यहां के अफसरान हिन्दी पढ़ने की कोशिश नहीं करेंगे, पार्लियामेन्ट में भी हिन्दी में बोलने की कोशिश नहीं करेंगे, पंद्रह वर्ष के बाद क्या होगा यह मैं जानता नहीं।

Mr. Deputy-Speaker: The hon. Member is not prevented; he is speaking very well in Hindi.

श्री आर० डी० मिश्र : मैं यह कह रहा हूं कि जनसत्ता अखबार अगर फाइनेन्स मिनिस्ट्री या उस डिपार्टमेन्ट के हुक्काम देखते तो कुछ सोचते समझते, लेकिन उन्हों ने उस अखबार को भी नहीं देखा और फाइनेन्स मिनिस्टर साहब ने अपने संशोधन में दर ठीक नहीं किये तब मैं ने यह किया कि और जगहों के फैक्ट्स ऐंड फिगर्स इकट्ठे किये। कुछ किताबें पढ़ीं, शुरू से आखीर तक की बातें देखीं। अमरीका के कानून को भी देखा तो मालूम हुआ कि वहां ७७ परसेन्ट तक ड्यूटी लगी हुई है। पर वहां नीचे के लेवेल पर वह कम रक्खी गई है। लेकिन हमारे यहां इस प्रकार से कर की दरें नहीं रक्खी गई तो मैं ने यह समझ कर कि मैं भी पार्लियामेन्ट का मेम्बर हूं, मैं ही इस कानून पर एक ऐमेन्डमेन्ट पेश कर दूं। मैं समझता हूं कि गवर्नमेन्ट पर सरकार चलाने की जिम्मेदारी है इसीलिए फाइनेन्स मिनिस्टर साहब को गवर्नमेन्ट चलाने के लिये बहुत पैसा चाहिये। और मिलना भी चाहिये। हम लोग गरीबों के नुमाइन्दे हैं हम यह चाहते हैं कि जल्दी से देश में लोगों का जीवन स्तर ऊंचा हो। बड़ों के पास जो रुपया इकट्ठा है वह बंटे और विषमता कम हो, बड़े बड़े कारखाने खुलें, उद्योग धन्धे चलें जिस से बेकारी दूर हो। गवर्नमेन्ट पर भी जिम्मेदारियां ज्यादा आ गई, हम ने गवर्नमेन्ट को स्वयं बनाया है,। इसलिये हम गवर्नमेन्ट को पैसा देना चाहते हैं। ताकि वह सब काम कर सके। हम ने सोचा कि सरकार से यह कहना कि नीचे के लोगों की दर घटा दो यह गलत बात होगी, हम तो कहते हैं कि टैक्स लो, गरीब लोगों से भी लो और ऊपर के लेवेल वालों से भी लो। जिस के पास १०० रु० का भी धन है उस पर भी एक रुपया लगा दीजिये, हमें कोई एतराज नहीं

[श्री आर० डी० मिश्र]

लेकिन आप इन बड़े बड़े आदमियों पर क्यों मेहरबानी कर रहे हैं। यह कांग्रेस का सिद्धान्त नहीं, यह प्लैनिंग कमीशन का सिद्धान्त नहीं, कान्स्टिट्यूशन का सिद्धान्त नहीं कि छोटों से ज्यादा और बड़ों से कम कर लिया जाय, यहां मैं क्या कहूं, मझे एक फारसी की रुबाई याद आ गई :

> याराय जुबां कि सनाय तो कुनेम,
> तोसीफे कमाले किवरियाये तो कुनेम
> चीजे ब बिसाते मा तिही दस्तां नेस्त,
> वोटे कि मा दाशतम फिदाये तो कुनेम।

"हमारी जबान में ताकत कहां जो हम आप की अर्थात् फाइनन्स मिनिस्टर साहब की बड़ाई करें? और हम आप का कमाल बयान कर सकें। हम खाली हाथों के पास कोई चीज नहीं है, एक वोट में रखता हूं जो नौछावर करता हूं।" मैं कांग्रेस पार्टी में हूं मुझे आप ही के बिल पर वोट करना है अगर आप कहेंगे तो अमेंडमेंट भी वापस कर लूंगा लेकिन मेरे मन में जो बात है वह कहूंगा जरूर और अपनी बात कहने का यहां मौका है। ऐस्टेट ड्यूटी बिल में बड़े बड़े आब्जेक्ट्स लिखे हुए हैं, उन पर बहस हुई, मिताक्षर और दायभाग पर बहस हुई, लेकिन आगे चल कर एक छोटा सा ऐमेन्डमेन्ट आया। पहले तो ऐस्टेट ड्यूटी बिल चल रहा था, उसके बाद ऐस्टेट ड्यूटी दरों का जो बिल था वह ऐमेन्डमेन्ट बन कर हाउस के सामने आया। डिप्टी स्पीकर साहब नें इस पर पहले बोलने का मुझे अवसर नहीं दिया। बड़ी मुश्किल से समय अब मिला है। मैं ने अपना एक ऐमेन्डमेन्ट मूव कर दिया। लेकिन फिर पता चला और यहां पर एक एतराज भी हो गया कि कर बढ़ाने वाली एमेण्डमेन्टों के लिए मुझ को प्रेजिडेन्ट की मंजूरी चाहिये। अब तक मेरे पास अमेन्डमेन्टों की जो लिस्टें आई हैं और जो मेरे पास ही रक्खी हैं, उन में फाइनेन्स मिनिस्टर साहब के ऐमेन्डमेन्ट पर नहीं लिखा हुआ है कि उन्हों ने कभी प्रेसीडेन्ट साहब से मंजूरी ली हो। ऐसी मंजूरी हमेशा बिल के ऊपर लिखी रहती है लेकिन उन की ऐमेन्डमेन्ट के ऊपर नहीं लिखा हुआ है, कि उन को मंजूरी मिली है फिर भी उस को मान लिया गया। डिप्टी स्पीकर साहब ने भी उसे नहीं देखा।

Mr. Deputy-Speaker: The hon. Finance Minister has obtained the sanction or permission.

Shri R. D. Misra: He has obtained it but it is in his pocket; it is not in the papers; it is not in Parliament. I have not received any notice of it as Member of Parliament.

आप के पास है वह ?

मिस्टर डिप्टी स्पीकर : हां जी।

श्री आर० डी० मिश्र : मैं ने जो रूल्स को पढ़ा है उन में लिखा हुआ है कि जिस किसी सदस्य ने प्रेजिडेन्ट की सैंक्शन ली हो तो वह उसे अपने ऐमेन्डमेन्ट के साथ अटैच कर दे और वह अटैच हो कर नोटिस के साथ जायेगा। मैं ने सैंक्शन प्राप्त करने के लिये अपने संशोधन को भेजा पर उस की मंजूरी मुझ को नहीं मिली। और मिलती भी क्यों ? डिमाक्रेसी के अन्दर जो कुछ फाइनेन्स मिनिस्टर साहब कहेंगे वही प्रेजिडेन्ट का आदेश है। प्रेजिडेन्ट साहब को तो शायद पता भी नहीं होगा क्योंकि डिमाक्रेसी में तो यह मिनिस्टर की ही रिस्पान्सिबिलिटी होती है।

Mr. Deputy-Speaker: If the hon. Member has got some recommendation in his pocket I have no objection to allow his amendment.

Shri R. D. Misra: I have got a rejection in my pocket here, Sir.

मेरे पास रिजेक्शन है और वह भी फाइनेन्स मिनिस्टर साहब की तरफ से आया है । मुझ इत्तला दी गई है कि उस एमेंडमेंट को पेश करना मंजूर नहीं किया गया । जब उस को मंजूर नहीं किया गया तो मैंने अपने मन में सोचा कि आखिर यह मामला क्या है ? मैं तो फाइनेन्स मिनिस्टर साहब को पैसा देना चाहता हूं बहुत सा । और उस के लिए टैक्स की दर बढ़ाने का संशोधन दिया परन्तु वह मंजूर नहीं किया गया ।

सवाल यह है कि इस प्रकार के विषय के लिये हमें एक कन्वेन्शन कायम करना है । कान्स्टीट्यूशन में यह लिख दिया गया है कि मेम्बरान कर कम करने के लिये बिना राष्ट्रपति की सिफ़ारिश के ऐमेन्डमेन्ट संसद् में रख सकते हैं लेकिन बढ़ाने के लिये नहीं दे सकते । टैक्स बढ़ाने का ऐमेन्डमेन्ट हम नहीं दे सकते, टैक्स कम करने का दे सकते हैं । गवर्नमेन्ट की जिम्मेदारी हम जानते हैं । जब इतने डिपार्टमेन्ट कायम हैं, तो हम उस की आमदनी कम कैसे करें । कर कम करने के लिये प्रेजिडेन्ट की मंजूरी लेने की जरूरत होनी चाहिये । अगर कोई सदस्य टैक्स कम करने का प्रस्ताव करे तो राष्ट्रपति यह कह कर उसको अस्वीकार कर सकते हैं कि साहब, आप ने इतने नौकर मुकर्रर कर दिये हैं, दुनिया के कानून पास कर दिये हैं, हमें इतनी तनख्वाह देनी पड़ेगी, इतना खर्च आयेगा, लिहाजा खर्च कम करने की बात आप कैसे करते हैं ? हम इस प्रकार का प्रस्ताव मंजूर नहीं करेंगे । लेकिन यहां हम यह कहते हैं कि लीजिये आप को एक लाख की जरूरत है तो हम आप को पांच लाख देते हैं तो इस में प्रेजिडेन्ट साहब या फाइनेन्स मिनिस्टर साहब को क्या एतराज है । आप ने बिल में कहा कि ४० फी सदी कर लिया जाय, हम कहते हैं कि आप ८० फी सदी लीजिये । इस से सरकार को अधिक आमदनी होगी और जनता के हित के अधिक कार्य वह कर सकेगी ।

Mr. Deputy-Speaker: Order, Order please. Now, it is no good canvassing on the question of the recommendation of the President. The hon. Member cannot go on criticising on the floor of the House the President's not giving the sanction for increasing the tax.

Shri R. D. Misra: I am not saying that, Sir.

Mr. Deputy-Speaker:. The hon. Member has already said that he has not been given the sanction to bring in an amendment raising the rates.

श्री आर० डी० मिश्र : मैं आप के सामने यह कहना चाहता हूं, मैं आप से यह निवेदन करना चाहता हूं कि मैं ने प्रेजिडेन्ट का आर्डर तो मान लिया है, जो मेरी ऐमेन्डमेन्ट ७२८ नम्बर पर थी मैं ने उस को वापस ले लिया, दूसरा ऐमेन्डमेन्ट टेबल कर दिया है जो ७४८ नम्बर है, प्रेजिडेन्ट की आज्ञा के मुताबिक, फाइनेन्स मिनिस्टर के आदेश के मुताबिक ।

मैं यह कह रहा था कि हम को हिन्दुस्तान के डिमाक्रेटिक फील्ड में एक नया कनवेंशन खड़ा करना है ।

6 P.M.

Mr. Deputy-Speaker: It is not the convention; it is the Constitution.

श्री आर० डी० मिश्र : इसी मौके पर मैं इस ओर इस सदन को तवज्जह दिलाना चाहता हूं और फाइनेन्स मिनिस्टर साहब को भी .....

Mr. Deputy-Speaker: You want the object in the face of the constitution.

श्री आर० डी० मिश्र : आपने मुझे उस वक्त मौका नहीं दिया जब इस के सम्बन्ध में बहस हुई । मुमकिन है कि अगर आप मेरी बात पर गौर करते तो यह रूलिंग न आती ।

[श्री आर० डी० मिश्र]

मैं यह कह रहा हूं कि हम ने इंगलैंड के कानून से कुछ बातें ले ले कर अपने कांस्टीट्यूशन में रखी हैं। वहां पर पार्लियामेंट में जो बड़े बड़े कैपीटलिस्ट थे उन्हों नें अपने यहां इस तरह की प्रथा खड़ी की कि बिना राजा की सिफारिश के कोई संसद् का सदस्य कर बढ़ाने का प्रस्ताव या संशोधन संसद् के सामने नहीं रख सकता। क्योंकि वह जानते थे कि जो टैक्स लगेगा वह उन पर लगेगा। इसलिए उन्हों ने यह कायदा बनाया कि हाउस आफ कामन्स का कोई सदस्य टैक्स न बढ़वा सके। और उन को यह कह कर बहका दिया कि आप तो जनता के आदमी हैं, आप को तो टैक्स घटाना चाहिए न कि बढ़ाना चाहिए। यह फ्यूडल लार्ड्स की चलाई हुई प्रथा है। हमारे यहां तो फ्यूडल लार्ड्स और पूंजीपतियों के जरिये कानून नहीं चलाया जाता है।

Mr. Deputy-Speaker: Does the hon. Member contend that in the House of Commons there is a convention or rule that a rate of duty which is there can be increased?

श्री आर० डी० मिश्र: वहां पर तो इसलिए नहीं बढ़ाया जा सकता कि वहां पर कैपीटलिस्ट थे।

Mr. Deputy-Speaker: That is another thing. I am afraid I will call another Member. I hope he has nothing more to say.

Shri C. D. Deshmukh: By calling another hon. Member to speak are we going to add one more day to the decision of the Business Advisory Committee. According to their decision we had to finish this today.

Mr. Deputy-Speaker: True. According to the decision of the Business Advisory Committee we must finish it this evening. I am trying to get through as early as possible. I think there are only two or three members who have been standing to catch my eye.

Shri C. D. Deshmukh: I am not objecting to anything. I am only saying that it is the understanding that we shall try to finish it this evening.

Mr. Deputy-Speaker: We are trying to finish it but unfortunately we have had to spend some time over the points of order that were raised and which were not anticipated. Unfortunately the House comes to different opinions. Hon. Members are very much co-operating; they are not trying to take more time unnecessarily. Each one is taking not more than 10—15 minutes. There are now only two or three members more to speak. I hope to finish all the clauses just now and if possible start the third reading.

Hon. Members and leaders of the groups saw me in my Chamber and agreed that one member from each one of the groups will take part in the third reading. The Communist Leader saw me. Possibly Mr. Tulsidas wanted to speak on behalf of his party. Mr. Chatterjee and two or three persons from the opposition, and if the Congress party also imposes the same restriction upon itself, say, one or two people in all—only these people will speak on the third reading and finish. If per chance we have to sit beyond, I hope we will be able to finish it by 7 o'clock. But on account of the extraordinary situation we might take one hour tomorrow but I am trying to finish it as early as possible.

Shri C. D. Deshmukh: One hon. Member spoke for an hour.

Mr. Deputy-Speaker: I am sorry I was not here but subsequently I came to learn of it.

Shri C. D. Deshmukh: The difficulty with Government is that it leaves an impression on the minds of the public by what is brought on record. If an hon. Member is allowed to take one hour on a fancied grievance against something, and even if you say that the Chair rules that one need not go into this matter, then the last word is left with the hon. Member.

Mr. Deputy-Speaker: The hon. Minister would have noticed that I was not present here. Hon. Members are all taking trouble from time to time. I sat from 8 to 12. I am aware that the hon. the Finance Minister is sitting from 8 to 1 o'clock throughout. I have sat less by one hour but all the same the hon. Minister can go out, can shake this side and that side but I am pinned to the chair. That is my difficulty. Even when I go to my chamber I have to do something. I am not sitting there idle. Under those circumstances I want some relief. During that interval the Chairman very kindly helped me but whoever sits here for the time is master of the House. As soon as I came here I told him that this matter need not be re-opened.

Shri Pataskar: There was no complaint at that time.

Shri C. D. Deshmukh: This is not a complaint but you were pleased to observe that hon. Members are taking only 10—15 minutes.

Shri S. S. More: Sir, on a point of order. Can we criticise the Chairman? He is now forced to give us an explanation.

Mr. Deputy-Speaker: It is unnecessary. There is no good saying now this thing or that thing. Now let us proceed. We need not waste any more time. I am sure no hon. Member or people outside the House will be under the impression that that side has not been explained although they have been just ventilating their grievances. Now there is no going behind.

Shri R. D. Misra: Sir, I would take only one minute.

Mr. Deputy-Speaker: No. I am not going to give him any more time. I have sufficiently heard the hon. Member going on expatiating on what the constitution ought to be. After so much he could press the amendment. He showed his papers also that he has got the sanction of the President. Under those circumstances it is not worth pursuing.

Shri Raghavachari: Sir, the Advisory Committee's schedule was exceeded by one day at the first stage. The whole thing must be extended by one day now.

श्री आर० डी० मिश्र : मैं फाइनेन्स मिनिस्टर साहब से यह कहना चाहता हूं कि जब इस तरीके का अमेंडमेंट कर बढ़ाने का आप के पास आया था और उस पर अगर आप गौर करना मुनासिब नहीं समझते थे तो हमें मौका देते, इस सदन को अवसर देते और उस पर डिसकशन हो जाता और अगर यह हाउस उसे मंजूर करता तो मंजूर हो जाता और इस देश में ऐसा कनवेंशन कायम हो जाता कि यह हाउस टैक्स बढ़ा सकता है। इस में कोई ज्यादा कानून के बदलने की जरूरत नहीं थी।

लेकिन अब मेरे कहने का मतलब यह है कि जब हम ऊपर के लेवेल पर टैक्स नहीं बढ़ा सकते तो कम से कम इंगलैंड और अमरीका के तरीके पर नीचे के लेवेल पर टैक्स घटा देना चाहिए और दरें कम कर देनी चाहियें और उन की गरदन ज्यादा नहीं काटनी चाहिए जो गरीब हैं और कम सम्पत्ति वाले हैं। इसी-लिए मैं ने अपना अमेंडमेंट दिया है। इन्हीं शब्दों के साथ मैं अपना अमेंडमेंट आप के सामने रखता हूं। आशा है कि आप इस को स्वीकार करेंगे।

सेठ अचल सिंह (जिला आगरा—पश्चिम): अध्यक्ष महोदय, हमारी स्टेट सैक्युलर स्टेट है, प्रजातन्त्र राज्य है। इस में जो कानून बनाये गये हैं, वे मनष्य मात्र के लिये एक आधार पर बनाए गये हैं, एक उसूल पर बनाए गये हैं। फिर यह समझ में नहीं आया कि माननीय फायनेन्स मंत्री जी ने किस तरह से ज्वायंट हिन्दू फैमिली और दूसरे लोगों के साथ यह फर्क रखा है।

Mr. Deputy-Speaker: I have already said that it is no good referring to the difference made between the joint family of the *Dayabhaga* system and of the *Mitakshara* system. The issue has been discussed and a decision has been taken on clause 34. If the hon. Member has got anything to say on the schedule, he may continue. There is no going back upon the discussion about *Dayabhaga* and *Mitakshara* and trying to say that something is wrong on the ground that it is a secular state and so on.

सेठ अचल सिंह : मैं शिड्यूल के ऊपर ही बोलना चाहता हूं और यह कहना चाहता हूं ।

मिस्टर डिप्टी स्पीकर : अच्छा, इस का प्रीऐम्बुल नहीं चाहिये ।

सठ अचल सिंह : एक तरफ़ एग्जेम्प्शन ५० हजार का रखा है और दूसरी तरफ़ एक लाख का रखा है । यह डिफरेंस बिल्कुल ग़ैर मुनासिब है, ग़ैर जां है । क्योंकि यह हमारी यूनियन गवर्नमेंट है और इस में एक ही कांस्टीट्यूशन सब के वास्ते हैं, वह एक सा है । इसलिये मैं चाहूंगा कि यह एग्जेम्पशन बजाय ५० हजार के एक लाख तक कर दिया जाय । साथ ही साथ मैं चाहूंगा कि जो रेट्स हैं, वे बहुत ज्यादा हैं । जब कि अमेरिका में, इंग्लैंड में वे रेट्स बहुत कम हैं, यहां वे रेट्स ५ परसेंट और साढ़े सात परसेंट हैं । वे कमकर दिये जायं । इस तरीक़े से अगर हम शिड्यूल बनावेंगे तो मैं उम्मीद करता हूं कि तब ज्यादा कामयाब हो सकेंगे और ज्यादा ज्यादती आम जनता के साथ नहीं होगी ।

Shri N. Somana: Mr. Deputy-Speaker, Sir, I will be very brief and touch only one or two points, and that is, as regards the first part of the schedule where the rate for the next Rs. 50,000 is 5 per cent. My only point is this: that in this case, the joint family property or the holder of a joint family share has been placed on the same level as those persons owning properties above Rs. 2 lakhs. It is a special kind of treatment which has been given to the people holding joint family properties and I really could not understand as to why this high rate of 5 per cent. should have been placed on the first Rs. 50,000 that is to be taxed as against the Rs. 50,000 of the joint family properties. My submission is that I am not basing my argument on the ground that there has been a discrimination made—there is no logic about the rates that have been made, because we find that above Rs. 1 lakh, the increase is 2½ per cent., and it is only above Rs. 2 lakhs the increase is 5 per cent. I do not think this first Rs. 50,000 should be subject to the higher scale of 5 per cent. I feel—and I make an appeal to the hon. Finance Minister whether he could not reduce this 5 per cent. to 2½ per cent. at least, if not 2 per cent. so that the joint family holders also may be getting an equitable treatment under this Act. Of course we have been trying to see that those who hold property under the *Dayabhaga* system and other systems of law get an equitable treatment. In this case, I do not think it would be proper that the first Rs. 50,000 that is to be taxed under the joint family system should be at 5 per cent. In all reasonableness, the rate should be reduced so that there will be equity in all respects.

Shri Kelappan (Ponnani): Mr. Deputy-Speaker, Sir, when the Estate Duty Bill was announced, there was quite a stir in the country. Probably the people thought a revolutionary measure was going to be introduced and the statement of objects and reasons also lent colour to such a view. Now, we find a mountain in labour has brought forth only a mouse. With the rates before us, we have got an overall picture of the whole Bill Now that the President has not been pleased to recommend the higher rates, we may try to assess how far this measure will achieve the objects that we had in view. Sir, the representatives of the vested interests fought

every inch of their ground. To my mind, they have lost nothing: in fact, they have gained everything. As far as this measure is concerned, it is said it is based on the U. K. model. The security of capitalism in that country is really measures of this kind which may help to beguile one into the belief that something is being done for the poor. And if the tax collected from the rich will also be returned to them and will help them to increase their income, all this anxiety and resistance would have been misplaced. Sir, it all depends upon how the proceeds of this tax are spent,—whether they will go to the poorest among us or whether it will go to the richer.

I am very much disappointed at the exemption limits. The exemption limits have been in one case Rs. 50,000 and in the other case, Rs. 1 lakh. The exemption limit ought to have been much lower than what has been now fixed. In judging what is a taxable income in this country, we cannot be guided by the example of the United States or U. K. If you compare the *per capita* income of important countries in Europe, America and Asia, you will find the *per capita* income of India is the lowest. In India it is 57 dollars, in the United States it is 1,453 dollars, about 25 times that of India, in Canada it is 870 dollars; in U. K. it is 773 dollars, France 482 dollars, Russia 308 dollars, Switzerland 870 dollars and in New Zealand 856 dollars. So also while an unskilled labourer in America gets about Rs. 40 per day of eight hours, in India it is at the most a rupee and a half. So, while Rs. 50,000 is a very very moderate income in America, it is a big lot of money in India and deserves to be heavily taxed. So taxation in U.K. or U.S.A. is no guide for us. The exemption is so high that most of the *Mitakshara* or *Marumakathayam* families will escape taxation

Now, coming to the rates, the statement of objects and reasons says that the object of the Bill is a more equitable distribution of wealth. The Finance Minister wants perhaps to do away with the social and economic inequalities of today. If that be the object, the rates proposed by the Minister are ridiculously low, and inadequate for the purpose. For higher slabs, it ought to have been drastically high. Inheritance, Sir, is the greatest source of social and economic inequality. Inheritance—the transfer intact from generation to generation of large family estates lies at the very root of the class structure of modern society. If this tax were to result in breaking down large fortunes, the rates must have been higher. It is my view, Sir, that inheritance must completely disappear.

Shri S. S. More: Hear, hear.

Shri Kelappan: It is not good for the inheritor, for society. To become rich by unearned income, I mean income one has not earned by hard work, moderate expense and avoiding all luxury and extravagance is detrimental to the interests of society and also to the individual himself. Such a man will not spend it usefully; he will corrupt the police, corrupt the magistracy, corrupt the Industries and Commerce Department and corrupt society as a whole. He would even purchase a seat in Parliament.

An Hon. Member: Don't say that.

Shri Kelappan: A millionaire is a menace to society. So, if the Government were to relieve him of his surplus money, it would be doing him good. It will be a service to society, but, Sir, to do away with inheritance altogether, the Government will have to undertake certain additional responsibilities. The state must see to it that every individual is equipped for life, provided with work he is fit for. There must be old age pension and unemployment allowance, etc. If the Government were to undertake these responsibilities, we would not have in our society, incompetent advocates, inefficient doctors or engineers.

Mr. Deputy-Speaker: Is he going into the general law of equalization of property? The hon. Member's statement is interesting but we are only on a small clause.

Shri Kelappan: If the estate duty had for its object the equalising of income or creating a better society, it would have been framed in a different way. Each man should find the work he is fit for. For that consummation we have to wait. I want to impress on the Finance Minister that if the estate duty bill is to take us anywhere near our objective the duty ought to be the highest and the amount realised must be spent solely for the benefit of the poorest in the land. If it is only a fiscal measure, it will fail in its objective. What we want is a socio-ethical measure which will do justice to the poor who have been reduced to their present sad plight by their exploitation in a series of subtle ways by measures calculated to deprive them of the fruits of their labour. These and similar measures undertaken by capitalist Governments, seemingly in the interest of the poor, have as their objective the stabilisation of capitalism. It can never bring in economic and social equality which is the professed objective of the present measure.

So I hope the Finance Minister will reconsider the rates that he has fixed and if possible see that higher incomes are more drastically taxed.

Shri Achuthan: Mr. Deputy-Speaker, Sir, when I heard the lengthy speech of Pandit Thakur Das Bhargava, I thought old age must have got some defect in understanding because all the while that the Estate Duty Bill has been under discussion in this House, we have been illustrating by examples that there is a distinction between *Dayabhaga* and *Mitakshara*. If we concede the point of unit as the family, *de jure* we may say that the head of a *Dayabhaga* family is a complete owner, but *de facto*, as things stand at present in India, whether it be *Mitakshara* or *Dayabhaga* the family tie is there and the whole property is being inherited by the successors. So, I oppose the amendment of Pandit Thakur Das Bhargava, even though we have the highest respect for his old age and wisdom.

I also heard my hon. friend Mr. Raghavachari who has got a long experience in the bar going almost in the same direction and saying that the distinction between *Dayabhaga* and *Mitakshara* must be done away with. I also want to oppose at this fag end of the day the suggestion of this old gentleman. There is a popular saying that our Finance Minister is a very conservative man. Everybody will admit that even though he is a first-rate, level-headed man, he is very conservative with regard to his economic or financial policies and no amount of slogans will be able to move him, unless reasoning, mature reasoning, is able to convince him. Only after mature consideration has he come to the conclusion that there is a real grievance with regard to the *Dayabhaga* the non- *Mitakshara* families in India and that is the reason which weighed with him in raising the minimum limit from Rs. 75,000 to Rs. 1 lakh. The amendment of Pandit Thakur Das will do away with that distinction. So, I strongly oppose that.

With regard to rates and slabs, is there any country or any State in the world where there is a uniform scale of slab or rates with regard to estate duty? Every country must be governed by its own economic conditions, its own policies, its own constitution and its own working. The Congress Government wants to see that in the near future, without any bloody revolution as was envisaged by Mr. Kelappan, there must be a welfare state, there must be that feeling of equality among people; there must be a feeling to work and live. The family system might have had its own advantages, but I feel, Sir, that the so-called attachment to the family, that centripetal tendency must be given a go-by. Youngsters must earn their living by adventurous work. That is what our Prime Minister has been telling to our countrymen that by work, hard work alone can you improve the lot of our people. So, I cannot appreciate the emphasis that has

been placed on that holy system of family. It has had its own day: we are now having a new time, so that even though there may be disintegration of the joint family I welcome it. Youngsters should not depend upon their fathers, or the family property, but earn their own bread. Of course, Government must provide the necessary facilities, which they will be able to do by this and similar measures.

I do not understand, as was referred to by Shri Somana why this 5 per cent. was given as the first rate. Because there was an exemption of Rs. 50,000 and 1 lakh Government wanted to see that that cannot enjoy exemption as a whole, and something may be taken out of it. It is for that purpose I think that this 5 per cent. has been raised. Let us at any rate see how far these rates affect the so-called cries of my hon. friends like Shri Tulsidas Kilachand that there won't be capital formation and so on. Do you think that people are foolish enough to see that when they die a good portion of property goes by way of estate duty? Hereafter they will so manage things that the least is paid to Government by way of estate duty. Previously in Cochin State we had introduced agricultural income tax about ten years ago. We all thought in the Assembly that the lot of the agriculturist would be miserable. In the first year we got Rs. 6 lakhs; in the second year it was less than Rs. 1 lakh. Partitions are effected, transfers are made, everything is done to see that Government got as little as possible by way of duty. Only in accidental cases can we expect a rich crop out of this. My only wish is that let the first crop be a bumper crop and let God be pleased to prepare the list so as to provide a bumper crop for the Finance Minister in the first year of its introduction.

Shri C. D. Deshmukh: Mr. Deputy-Speaker, Sir, when the schedule of rates was first introduced here in the form of a Finance Bill which is now incorporated I found that its response generally was extremely favourable. But apparently after-thoughts have considerably modified opinions and that seems to be reflected now in the House. The diversity of opinion that has been expressed on this issue only shows how difficult it is.

Before I come to the rates, I wish just to allude, and allude only, to the controversy which to my mind unfortunately took up a large part of the discussion. I would only like to refer to the Select Committee's observations against clause 34.

> "The Select Committee feel that no estate duty should be levied on property below a value to be fixed by the law itself. Further they are unanimously of the view that there should be some kind of differentiation between the exemption limits in the case of property which consists of an interest in a Hindu joint family property and other property."

As I said before, what exactly that differentiation should be must be a matter of opinion especially as in this matter the answer will depend on the assumptions that one makes. That is what I submitted when I said that finally after having heard a large number of speakers in connection with Clause 34, I thought that a particular differentiation would be the most suitable and it might be wrong, and in the light of experience, one might find that some modification of the type suggested is required. I submit, Sir, that does not leave room here and now in connection with the Schedule to re-argue the whole matter and rake up the controversy. I have no wish to do so.

Again, another point which was relevant to Clause 34, but is not strictly relevant here has been raised. The hon. Member who raised it has no answer in regard to the rates. That point was how the formula given in the second sub-clause of clause 34 would work out. I said that when I had illustrations, I had worked out how that clause could be worked. The hon. Member had given notice of amendment No. 144 and the main difference between our formula and his is that his formula is not worked on the basis of duty payable at all; it works out a

[Shri C. D. Deshmukh]

composite exemption limit applicable to properties on the same proportion as in our case. Therefore, the difference is that we work out by a formula the duty payable which is our business, while according to the proposal that he has made, what he works out is the exemption limit. The proper place for the exemption limit is Clause 34 and not the Schedule, and if there is an anomaly, there might be some difference, I admit, in regard to estates under Rs. 1,00,000. If one finds, however, that it does work some hardship, that is a matter to be borne in mind for effecting amendments at some future date. The suggestion that I should have these suggested modifications now with a view to discussion in the other House does not appeal to me. This House has given consideration to a matter and if and when the Bill is passed, it will go in that state to the other House. All will entirely depend on what is done by the Members of the other House. It is quite true that any suggestions that are made for possible improvement are relevant material for the Finance Minister. They might be pigeon-holed somewhere at the back of his mind to be taken out at the proper time.

As regards the rates, I think most hon. Members who said that the rates in the initial stages are high, seem to have overlooked the distinction to which I referred the other day, that is, that in other countries assessment is made on the step system while the determination of duty that we are making is on the slab system. One hon. Member went to the length of saying that I could not possibly have studied the schedule of rates in the U. K. or the officers of the Finance Ministry could not have done so. That, I think, is an over-simplification of this problem. We have given a good deal of thought to this matter. Here is a table which gives the comparative rates. So far as India is concerned, what I have given is the effective rates, that is, after assuming the exemption limit but not necessarily the other exemptions. If the principal value of an estate is Rs. 1,50,000, then I shall only deal with interest in other properties, not the Hindu undivided family, because a proportionate change can be made. That is the thing which represents the majority to my mind and that is comparable to rates in other countries.

Now, in these properties which come under Part II of the Schedule, if the principal value of the estate is Rs. 1,50,000, the effective rate is 2·5 per cent. with us. In U. K. it will be 6 per cent. For U. S. A. I have not got the figures till one comes to Rs. 5 lakhs. In Australia it is 3.9 per cent, in Ceylon 5 per cent. and in Pakistan 6 per cent. Now, if one comes to Rs. 2 lakhs, the effective rate is 4·38 per cent. according to our schedule. In U. K. it is 8 per cent, in Australia 5·2 per cent., in Ceylon 7 per cent. and in Pakistan 6 per cent.

Pandit S. C. Mishra: What is meant by 'effective rates'? I don't understand it.

Shri C. D. Deshmukh: The average rate on the whole of the properties, that is, the actual rate at which it works by applying the slabs of the various incomes. If you have the principal value of the estate as Rs. 3 lakhs, then our rate is 7·08 per cent.—it is at that rate that the resultant duty will be payable on this property. In U. K. it is 15 per cent., in Australia 7·1 per cent, in Ceylon 8 per cent and in Pakistan 8 per cent. If one goes to Rs. 5 lakhs, ours is 10·25 per cent, in U. K. 24 per cent, in U. S. A. 4·8 per cent—this is unduly low but on Rs. 10 lakhs it is 17·1 per cent. and I don't know why in particular it is so very low in U. S. A. in this case—in Australia 10·3 per cent, in Ceylon 10 per cent and in Pakistan 12 per cent. Therefore, Sir, I believe that we are very moderate so far as the smaller estates are concerned, unless one goes so far as Shri Kelappan suggested, namely, to the limit of destroying the very institution of estate. We are trying to deal here with a small problem in a small way with reference to the existing circumstances. If the

principle of mixed economy gradually disappears, then probably even this measure will not be required. For that it may take many generations.

Pandit S. C. Mishra: You are wrong there.

Shri C. D. Deshmukh: I think most of the discussion in regard to the incidence of rates on the smaller estates and the larger estates is academic. As a revenue or tax collector, what I am concerned with is the majority of estates on which the estate duty will be determined and to my mind they will be among the smaller estates. Whatever one might do in regard to rates on the higher or bigger estates there will be so many ways of evasions. In practice, one will find that it will be the lower rates that will be in operation and that tendency will be strengthened by all the various factors that are in operation in the country today.

The discussion about the rates on the larger estates is largely academic, but even so, I would like to give the figures here. Take an estate of Rs. 20 lakhs. Our rate will be 20·06 per cent; U. K. 50 per cent; U. S. A. 25·2 per cent; Australia 26·1 per cent; Ceylon 16 per cent; and Pakistan 30 per cent. Take an estate of Rs. 50 lakhs.

Mr. Deputy-Speaker: What will be maximum for any estate?

Shri C. D. Deshmukh: I have calculated upto Rs. 1 crore. Of course, I would consider myself very lucky if I have such an estate to determine estate duty on.

Shri S. S. More: The estates of the Princes are there.

Shri C. D. Deshmukh: There might be gifts, there might be trusts and settlements, but I do submit that this is very largely academic. Our rate is 34·01 per cent; U. K. 70 per cent; U. S. A. 42·5 per cent; Australia 27·3 per cent; Ceylon 30 per cent; and Pakistan 35 per cent. We have attempted to keep it within the same sort of ranges that obtain in other countries.

One could go on arguing for any length of time as to how far we should go in trying to realise the two ultimate objects of this measure, namely collection of revenue for our Plan and to put on the Statute Book a socio-economic measure of great importance. As this is the first time that we are putting this measure on the Statute Book it is permissible to say that until your administrative arrangements have been perfected it is much better to be moderate than to be excessive in one's demands and therefore, to that extent, to give encouragement to evasive tactics. Now, that is an argument which may or may not appeal to hon. Members according to the experience they have of administration. That is one thing that at least Government could claim, that we have been struggling with administrative problems. In other words it is like a new motor car that one buys. One would remember that there is always an instruction, there is a notice in red on the wind-screen: for the first five hundred miles don't run at more than thirty miles an hour. It does not mean that that particular car is not capable of running at a higher speed. It might go at ninety miles, but all in good time, when all its parts have been lubricated. Similarly it seems to me that we must collect a staff, train them and generally make them familiar with the hundred and one legal points that will arise, before we try to be drastic in our demands. And that is the only reason. It is no desire to be soft-hearted with some section of the community or any other such unworthy motive.

There is, however, one important motive which one ought to consider, and that is one ought always to keep one's eye on the possibility of this measure to impede capital formation. I have given my view that in my opinion with these rates and exemption limits and so on it is not likely to do so. But there is a point beyond which incentive is bound to be destroyed. That has been the experience of various other countries. What that point is, it is very difficult to determine, and one must resort to rule of thumb methods. And that is what we are doing. In

[Shri C. D. Deshmukh]

other words, it is very difficult to start at a very high level and then try to reduce because you expose yourself to charges and it is better to be moderate. It is not a threat to anybody, it does not mean that the very next year we shall try to see how we can raise it—because if that was the intention we should not have given up this separate finance Bill and included the rates here. I myself anticipate—a purely factual anticipation—that it would be a few years before we feel ourselves competent to deal with this question of rates with all our administrative experience at our back, and, maybe, at that time we shall be in a position to evolve a far more satisfactory pattern than it is today. In any case, whatever pattern we evolve must appear satisfactory in the circumstances which are going to prevail at that time. Therefore I think it is fruitless to try and see what one could do in the future. All that I am convinced is this. If we were to try to introduce any steep gradation in these rates, as for instance, merely copy out a figure from the U. K. Schedule and put sixty per cent. or something like that, then I think the evasion would be practised on a far larger and far more extensive scale. That is the view I take of this matter.

The hon. Member Shri Raghubir Sahai had a great grievance that we did not recommend his particular amendment to the President. I pointed out that is the usual practice, that is to say these matters must finally be determined by the Government.

Shri Raghubir Sahai (Etah Distt.—North East *cum* Budaun Distt.—East): Sir, on a point of information. It was not my amendment.

Shri C. D. Deshmukh: I am sorry. It was Shri Raghubir Dayal Mishra. Sir, I am very grateful for the hon. Member Shri *Sahai*. I fear the hon. Member is not here. Otherwise I was going to quote another Persian proverb. I was going to say that if we follow the road that he is recommending, then—

jim rah to mee ravi ba Turkistan ast.

The road that you want to follow will not take you to Kabah Arab but to Turkistan.

Mr. Deputy-Speaker: I will now put the amendment of the Finance Minister with the modification already made to it in the morning that in Part II, in entry (1) for Rs. 75,000 substitute Rs. 1 lakh and omit entry (2) and renumber entries (3) to (11) as (2) to (10).

The question is:

In page 36, *after* line 14 *add* :

"THE SECOND SCHEDULE

(*See* sections 5, 34 and 80)

Rates of Estate Duty

PART I

In the case of property which consists of an interest in the joint family property of a Hindu family governed by the *Mitakshara, Marumakkattayam* or *Aliyasantana* law,—

	Rs.		*Rate of Duty*
(1) on the first	50,000	of the principal value of the estate	Nil.
(2) on the next	50,000	Do.	5 per cent
(3) on the next	50,000	Do.	7½ ,,
(4) on the next	50,000	Do.	10 ,,
(5) on the next	1,00,000	Do.	12½ ,,
(6) on the next	2,00,000	Do.	15 ,,
(7) on the next	5,00,000	Do.	20 ,,
(8) on the next	10,00,000	Do.	25 ,,
(9) on the next	10,00,000	Do.	30 ,,
(10) on the next	20,00,000	Do.	35 ,,
(11) on the balance of the principal value of the estate			40 ,,

PART II

In the case of property of any other kind—

	Rs.		*Rate of Duty*
(1) on the first	1,00,000	of the principal value of the estate	Nil.
(2) on the next	50,000	Do.	7½ per cent
(3) on the next	50,000	Do.	10 ,,
(4) on the next	1,00,000	Do.	12½ ,,
(5) on the next	2,00,000	Do.	15 ,,
(6) on the next	5,00,000	Do.	20 ,,
(7) on the next	10,00,000	Do.	25 ,,
(8) on the next	10,00,000	Do.	30 ,,
(9) on the next	20,00,000	Do.	35 ,,
(10) on the balance of the principal value of the estate			40 ,,

PART III

In the case of the shares held by a deceased member in any such company as is referred to in sub-section (1) of section 80

	Rate of Duty
(1) If the principal value of the shares does not exceed Rs. 5,000	Nil.
(2) If the principal value of the shares exceeds Rs. 5,000.	7½ per cent."

The motion was adopted.

Mr. Deputy-Speaker: Now all the other amendments are barred.

The question is:

"That Second Schedule stand part of the Bill".

The motion was adopted.

The Second Schedule was added to the Bill.

Clause 1.— —(*Short title etc.*)

Mr. Deputy-Speaker: Is any amendment being moved to clause 1?

I find there is none. I will put clause 1, the enacting formula and the title together.

The question is:

"That clause 1, the Title and the Enacting Formula stand part of the Bill".

The motion was adopted.

Clause 1, the Title and the Enacting Formula were added to the Bill.

Shri C. D. Deshmukh: I beg to move:

"That the Bill, as amended, be passed."

I do not wish to make any observations at this stage but shall reserva them to my reply to the observations that may be made by the other hon. Members.

Mr. Deputy-Speaker: Motion moved:

"That the Bill, as amended, be passed."

I have received notice of an amendment to this motion for the third reading from Shri B. P. Smha. He wants that the third reading be postponed till the next session. The hon. Member will tell me why.

Shri B. P. Sinha *rose*—

Mr. Deputy-Speaker: I am sorry. It is a dilatory motion. I am ruling this out of order as being a dilatory motion. If he wants to make a speech he can make it on the third reading. It is a dilatory motion and it is out of order.

As I have already said, I shall call two from the Congress side and one from each of the Groups.

Shri B. P. Sinha (Monghyr Sadr *um* Jamui): Why not begin with me, ir?

Mr. Deputy-Speaker: Very well. Shri B. P. Sinha.

श्री बी० पी० सिन्हा : माननीय उपाध्यक्ष महोदय, मेरा यह ख्याल है कि यह एक बहुत महत्वपूर्ण बिल है जो आज हम लोग पास करने जा रहे हैं। इस का सिद्धान्त हम ने कबूल कर लिया है। सरकार को पैसे की जरूरत है और पैसा मिलना चाहिये। इस में कोई दो मत नहीं हैं। मतभेद केवल इतना ही था कि बिल के पीछे भारतीय भावना का होना बहुत ही उपयुक्त था। परन्तु इस बिल में अभी भारतीय भावना का अभाव मालूम पड़ता है। साथ ही हमें अपने विधान की प्रतिष्ठा करनी चाहिये। इस बिल में कुछ ऐसी धाराएं पास हो गयी हैं जिन से कि विधान की पूरी पूरी रक्षा नहीं होती। यहां धारा ३३ के सम्बन्ध में हमारे उपाध्यक्ष महोदय को स्वयं सम्मति देने के लिये कहना पड़ा कि वे इस विषय को हाउस के ऊपर छोड़ते हैं।

[श्री पाटस्कर अध्यक्ष-पद पर आसीन हुए]

उन के अन्दर जो राजनीति का पांडित्य था उस से वह समझते थे कि वह विधान की धारा के अनुकूल नहीं है, इसलिये उन्हों ने इस को हाउस के ऊपर छोड़ दिया। मैं समझता हूं कि यह उचित नहीं था। हमारे सभापति महोदय को अपनी रूलिंग देनी चाहिये थी। फिर भी आज धारा २६९ और धारा १४ की बहुत अवहेलना हुई है।

इसलिये मेरा यह प्रस्ताव था, सुझाव था कि यदि वित्त मंत्री इस बिल को इतनी जल्दबाजी में पास न कर के तृतीय वाचन को स्थगित करते तो हम बहुत ठंडाई के साथ, कामली, सोच सकते थे। आप ने देखा होगा कि इस बिल के सम्बन्ध में हम सब सिद्धान्ततः एकमत हैं। लेकिन आज दूसरे लोगों ने बहुत तरह के सुझाव उन के सामने रखे हैं, जिन को वह कबूल नहीं कर सके। हिन्दी में एक कहावत है, "जल्दी काम शैतान का" तो वैसे तो आज यह बिल पास हो ही जायगा और आज ही तुरन्त इस का तृतीय वाचन भी पास करने को जा रहे हैं। लेकिन यह तुरन्त लागू नहीं होगा। लागू तो दो ही वर्ष में हो सकता है, चाहे वह कैलेंडर ईयर के प्रारम्भ में लागू हो, या आर्थिक वर्ष के आरम्भ में लागू हो। अगर इस को हम आगे के दूसरे सैशन में पास करते तो इन दोनों बातों में कोई अन्तर नहीं पड़ता। इस में जो कोई उपेक्षा है या कमी होती है इस को हम सोच सकते थे। इसलिये हमारा यह बहुत छोटा सा सुझाव था।

दूसरी बात यह है कि इस में कृषि भूमि को ले लिया गया है जिस से मैं समझता हूं कि किसानों के साथ अन्याय किया गया है। किसानों के साथ ही नहीं, उन के साथ तो अन्याय हुआ ही है, बल्कि राज्य सरकार के साथ भी अन्याय किया गया है। ऐग्रीकल्चर प्रान्त का विषय है। तो मैं नहीं समझता हूं कि इस धारा को इस में लाने की कोई आवश्यकता थी। इस की एक ही आवश्यकता समझ पड़ती है। वह आवश्यकता यह प्रतीत होती है कि इस से ऐग्रीगेट आफ़ वैल्थ ज्यादा होगा, जिस से कि लोगों से ज्यादा कर ले सकेंगे। मैं कहता हूं कि जिस की ऐग्रीकल्चरल भूमि ज्यादा है और दूसरी सम्पत्ति कम है, उस पर इस बिल का बोझ पड़ने से उस की रीढ़ की ही टूट जायगी और आर्थिक लाभ तो बहुत दूर की बात हो जायगी। इसलिये हमारा बहुत ही आदरपूर्वक और नम्रतापूर्वक अर्थमंत्री को यह सुझाव था कि इस में बहुत जगह पर संविधान की उपेक्षा हुई है। संविधान की प्रतिष्ठा हमें करनी चाहिये। संविधान हमारे

लिये सब से ऊपर की चीज है। संविधान ऐसी चीज नहीं है कि जब चाहें उस की अवहेलना कर दें। इसलिये संविधान के प्रति जब लोगों के दिल में इज्जत नहीं रह जायगी, प्रतिष्ठा नहीं रह जायगी, तो मैं समझता हूं कि हमारी आर्थिक भावना की कहां तक उन्नति हो सकेगी।

साथ ही प्रान्तीय राज्यों का भी हक़ देखना चाहिये। जो प्रान्तीय विषय हैं उस में बिला वजह सेंटर को दखल देना उचित नहीं है। उन के अधिकारों में हस्तक्षेप नहीं करना चाहिये। हमारी केन्द्रीय सरकार की नीति होनी चाहियें विकेन्द्रीकरण की। मैं बहुत ही अदब के साथ वित्त मंत्री से निवेदन करूंगा कि भूमि कर को, ऐग्रीकल्चरल लैंड को इस बिल में ला कर उन्होंने राज्य के साथ कोई न्याय नहीं किया है और संविधान का सम्मान नहीं किया है।

इन शब्दों के साथ मैं फिर भी वित्त मंत्री से बार बार निवेदन करूंगा कि इस का यह तृतीय वाचन इस सैशन में पूरा न करें, आगे पास करें, ताकि वह बहुत ही ठंडे दिल से इस पर विचार कर सकें। इस में बहुत परिवर्त्तन की जरूरत है जो वह स्थगित कर के कर सकते हैं। आज तो धारा पास कराने के लिहाज से जो सदस्य कांग्रेस की ओर से हैं, वे इच्छा पूर्वक या अनिच्छा पूर्वक इस में साथ दे रहे हैं। लेकिन उन को बहुत ही ध्यानपूर्वक देखना चाहिये कि कौन धाराओं पर विचार होना चाहिये और कौन में परिवर्त्तन होना चाहिये। इसलिये हम समझते हैं कि यदि दूसरे सैशन में यह बात होती, यह पास होता, तो यह बिल सर्वांग सुन्दर होता और सब का हृदय से इस को समर्थन प्राप्त होता।

Pandit K. C. Sharma: Mr. Chairman, Sir, I congratulate the Finance Minister for getting this important piece of legislation through, and getting it through in an atmosphere of friendliness and goodwill.

Every piece of legislation is conditioned by the social and economic condition of a country and the intellectual receptivity of its people. Judging from that criterion, I have no doubt in my mind that the social and economic conditions of this country imperatively demand a legislation of this kind. To say that the traditions do not exist, to say that the people are not willing to have this sort of law, is to deny the facts that are facing the country. There is no gainsaying the fact that the hard working people, the people working in the factory, the people working in the fields have a grouse, have a sense of wrong that certain classes of people running from generation to generation have nothing to do but depend upon the huge wealth amassed from generation to generation. It is one thing to have capital, to invest it in industry and do thousands of things, whereby one creates avenues for employment, avenues of production and thus do good to the community. It is another thing not to do anything at all and enjoy the hard-earned money of the poor workers, the peasants in the field or the workers in the factory. These two things do not go together.

Recently, a development has taken place. I met a policeman and a soldier, in the street and I found a sense of wrong working in their mind. A marriage was being celebrated in the Bikaner House and two policemen were standing there to see the Ministers' cars pass by. They were saying: here a big sumptuous wedding is taking place; there are our poor children neither getting education, nor getting enough to eat. It is too much to expect a policeman to protect your property and life when all the time he has a feeling of wrong in his breast, a sense of wrong in his mind. Therefore, the one great thing that this Bill will achieve is, it will create a great psychological condi-

[Pandit K. C. Sharma]

tion in which everybody will think in terms of some function rather than in terms of his positional status, a static thing. What is it that makes people living? It is the functional movement of the body and mind that creates an atmosphere of working up as well as adding to the wealth of the people, as against a positional static condition in which a man simply exists on the living of others and does not move at all. The traditional condition in this country for certain classes of people was that even to work was something insulting to them. I asked a big man a Judge, who was sitting beside me at tea, "what is this big nail in the small finger". He said: well, it is the sign of stupidity of my ancestors. When I asked him, why was it the stupidity of his ancestors, he said: I belong to a superior class of southern brahmins and there working is something derogatory to the life of a brahmin boy, and therefore I have this exceptional nail. From all view points, from a decent way of judging things, this is the most stupid thing that any one can imagine. If there is anything to judge a man's capacity to hold any responsible position, I say this is the biggest disqualification. A man who takes pride in not working, in not doing anything is certainly not a fit man to dispense justice between man and man.

That man who does injustice to the community is not likely to do justice towards his people. So, Sir, what I am referring to is the greatest wrong that was being done to the people—that a certain class of people should take it into their head that it is derogatory for them to work in the field or in the factory or anywhere where the limbs can be exercised. That question goes away. This brings in conditions in which every child of this great land will think in terms of a dynamic movement, a gathering mass of activities, to open the way for a great march to the goal of prosperity and peace of this great country as against a static position in which the energy of certain people was rotting. This is, Sir, a great gain.

Judging from the point of view of intellectual receptivity, a certain friend said: "Well, it is against the way of thinking of our people that you are taxing a dead man's money." In our parts when a man dies, we offer him certain things so that he may take a certain symbol of his wealth to the next world. The son offers *pindas* so that he may go to the next world safely and with contentment. I beg to say, Sir.....

Mr. Chairman: May I remind the hon. Member that we are on the third reading stage? He need not dilate on vague doctrines.

Shri Sarangadhar Das (Dhenkanal—West Cuttack): May I suggest, Sir, that we continue tomorrow?

Pandit K. C. Sharma: My respectful submission is, Sir, that no man with a debt on his shoulders is likely to get salvation. Nobody who does not pay his due to the people from his wealth can go to the other world in peace. So it is better that some sort of dues from the wealth illegally or sinfully amassed in this world should go to the people and to that extent the debt is lessened. Therefore, the chances of getting a better place are increased; a man has got better chances to go to heaven because he pays his debt to the people. So it is not against tradition. It is good for the dead man, and it is good for the living man. One thing more archaism is the deadliest enemy of progress. With these few words, Sir, I welcome this Bill.

Shri K. K. Basu: May we adjourn now, Sir?

Mr. Chairman: I think we can sit till 7-30.

Some Hon. Members: No, Sir.

Shri M. C. Shah: We may better sit up to 8, and finish it.

Mr. Chairman: I think it was generally agreed that we would sit for 4 to 7-30 P.M.

Shri K. K. Basu: That was due to the exigencies of the situation. Members should survive this Bill!

Mr. Chairman: We will sit till 7-30 and we will be able to finish it early tomorrow. Originally we intended to finish this Bill today. Now I do not think it can be done.

Shri K. K. Basu: We will continue tomorrow.

Mr. Chairman: Then I will call some hon Members who can finish earlier. Mr. Gadgil can wait. Mr. Deshpande.

Pandit S. C. Mishra: Call some from our side also.

Shri G. H. Deshpande (Nasik—Central): Mr. Chairman, Sir, I rise to support this legislation as it has emerged from the second reading. We had long discussions during the second reading and I did not take a single minute of the House. I was observing and looking at the discussions, Sir, from a common man's point of view and there were many moments when I was very much disappointed. It pained me on certain occasions to listen to certain remarks that were passed against this Bill by certain hon. Members in this House who are elected on adult suffrage.

Sir, a Bill of this type was overdue. The public wanted a step in this direction since long. The Congress Party was pledged to it since years.

The Bill was introduced, it was prolonged and I was rather surprised to find that even at this stage there are some hon. Members who would like to get the postponement of the Bill. It is rather very strange, I think, Sir, that many people do not realise the rising tide of the time spirit. It is better that they try to realise the common man's point of view.

It is true, Sir, that this is not a very very radical legislation. But I do think that it is a step in the right direction, for no single legislation can wipe out or destroy all the wealth inequalities that exist in our society. We will have to undertake many measures and this one will help that process no doubt. I would have been glad had the Bill been of a more progressive character; but, I am not very much disappointed because after all we sit here in this hon. House for nearly 7 months in a year and once this Bill becomes law, we will find out the difficulties and we will see that very soon it will take a radical turn and it will satisfy the people of this country. So, Sir, I am really glad that we are just nearing the time when we will have this legislation passed. So, with these few words I support the third reading of the Bill and I do congratulate the hon. Finance Minister for having plioted this Bill with such ability, patience and perseverance.

Shri S. S. More: Let Mr. Gadgil speak, Sir.

Shri K. K. Basu: Let him be on his legs and we may adjourn.

Mr. Chairman: I am sure he will not take very long.

Shri Gadgil: Sir, I am glad to see that the Bill is soon going to be put on the statute book. It would be failure of duty on my part if I do not congratulate my esteemed friend the Finance Minister. It was not an ordinary task to pilot a Bill of this complicated nature and to steer clear of the plausibilities of Mr. More, the subtleties of Mr. Chatterjee and the cool calculation of Mr. Kilachand. It was very difficult for him to disagree with you and also to disagree with the great earnestness of Pandit Thakur Das Bhargava. That *rana nadi* has been crossed and as has been said with respect to the Mahabharata battle, I may say

सोत्तीर्णं खलु बान्धवैः रणनदी कैवर्तकः

सी० डी० डी०

[Shri Gadgil]

The kaivarthaka, captain, was C. D. D. and in spite of the makaras and other sharks he has successfully piloted this Bill.

Mr. Chairman: To whom does "sharks" refer?

Shri Gadgil: It is possible that every one of us may not be satisfied. When the ship started we thought that the cargo as it is would be delivered but it seems that on the high seas he had to part with a little here and a little there. I do not grudge that because I always feel that good is not the enemy of better. Although this Bill was sponsored by this Government in pursuance of the promise made to the electorate, now that the Bill has been or is about to be approved by this House, it goes not as the Bill of any particular individual or as the Bill of any particular party but it goes as the Bill passed by the highest authority, the sovereign authority in the land. I must take pride in this as much as my friends on the opposition should take pride in the same that they have achieved something although that achievement may not be a very great dividend on the efforts undertaken or the aspirations entertained. But so far as our immediate action is concerned it must be within the framework of the Bill that is passed. Although the equity of thought and its expression cannot be mortgaged and will never be mortgaged from what we have achieved we shall aspire for something better for the two great objects of this Bill which have been already referred to and sufficiently discussed by hon. Members of the House. I do feel that the people who are likely to be affected need not be afraid of the embarrassment or the persecution that might be caused to them. I am sure in working out this Act the Government will take pretty good care that nobody suffers and justice and fairplay would be their watchword.

This is a great attempt, though it may not be a great achievement. If I were to compare it I would say that when we wanted a cyclone we have merely raised a breeze by fan. As is said very well in Jhaneshwari:

कां अफाटा समीरणा । आपैतेंपण शाहाणा ।
केल ज़ैसे विजणा । निर्मूनिया

When no big breeze is possible this Bill has started some breeze with a fan but we hope that there is more in promise than in performance.

Somebody said, "Mr. Gadgil is very anxious for the death of the rich". Not in the least. I want every citizen to live long, earn more, pay more income-tax, make more saving and leave much more for the Government and for his progeny.

Sir, I do not want to take the time of this honourable House but this occasion reminds me of a beautiful poem composed by that great Maharastrian Shri N. C. Kelkar just four hours before his death. With your permission I will read it:

मला जन्मा येता तनुभरण कार्या कणकण
दिले पांचां भूतीं परत करणें तें निज ऋण
तदाधारे सौख्ये सतत जगलो ते मज पुरे
तनु त्यागा ऐसा इतर अनृणा मार्गचि नुरे

"That the five elements bit by bit contributed to my existence and on that capital I have earned so much in my life prestige, honour and wealth. Now it is time that out of gratitude, I must return whatever I have taken from these five elements."

May I also say in terms of this beautiful verse that when a man is born what a glorious inheritance he succeeds to; he gets language; he gets the social Milieu; he gets the opportunity in which to thrive and prosper, to earn money and add to his prestige, build up his reputation, and as he lives pays for whatever he has earned. But the great corpus which he has inherited and probably which has multiplied still remains untaxed. Gratitude requires that when he leaves this world he should not leave

with a sorry heart with an attempt to consult the lawyers and dodge the payment but out of goodwill and gratitude he should, as I said on the other occasion, list up his property and give something in the creation of which he had the great society as his partner. Apart from its legal implication I do feel it is a moral and spiritual duty which he ought to perform and I do hope in that high purpose the whole thing will be taken and not merely the mundane aspect of a few shillings or a few rupees here or there. What we stand for is to secure equal opportunity to our down-trodden and depressed brethren. Every one of us should have the satisfaction that while alive he participated in a great cause and when dead has left a legacy.

Pandit S. C. Mishra: Thus goes out of this House in a gloomy and sullen mood a Bill which had been so enthusiastically introduced and accepted by all sides of the House. Though the iron fist of the Congress party or the ruling party has enabled the Finance Minister to carry it through in whatever manner it has pleased him but it is abundantly clear that this bill as it now exists, has been disavowed and disowned by almost every member of this House.

Some Hon. Members: No no.

Pandit S. C. Mishra: It was just about five minutes ago when the formula of the rates, the operational part of the Bill *i.e.*, the Schedule, was put to the vote of the House there was one single voice to say 'Yes'.

Dr. M. M. Das: Is that the criterion?

Pandit S. C. Mishra: On three occasions the Deputy Speaker had to remind those people to say either aye or no. 'I am amazed' said he "nobody is shouting aye or no". It was only the infallible vigilance of the Deputy-Speaker that enabled this Bill to get through in the House in the manner which the Finance Minister wished otherwise on more than one occasion it was impossible to know whether the "Noes" were having it or the "Ayes".

Dr. M. M. Das: What about the results of the division?

Mr. Chairman: The hon. Member should know that we are in the third reading stage.

Pandit S. C. Mishra: This House has been incubating this Bill for three weeks. One must see what is the face of the child that has been brought out and how it has been received. And therefore I say, Sir, that though the violence of the Finance Minister has triumphed, I can say, and the House knows it, that he has been deceived. Nobody has enthusiastically supported it. Even the Congress member who just spoke, said just now do not want, willy-nilly it goes out.

Dr. M. M. Das: What has the hon. Member got to say about a division?

Pandit S. C. Mishra: Sir,....

Mr. Chairman: May I make a suggestion to the hon. Member? It is better not to rake up what is past. He may confine himself to general remarks as the Bill itself.

Pandit S. C. Mishra: Yes, Sir. The mood of the masses outside cannot but be reflected in this House even if this House thinks that it is surrounded by three walls and so many sets of curtains. And I can tell my friend on that side, that the mood of the masses outside has pierced this hall and as on so many occasions it has been quite more than enough, but the bill is bringing no satisfaction either to you or to the country. You people will not be able to go and claim any sort of credit among your constituents. (*Interruptions*).

Mr. Chairman: May I again ask the hon. Member to avoid any controversy? He can criticise.

Pandit S. C. Mishra: It is no good quarrelling with a glass, convex or concave, which can show something in a clearer magnified form—which had been passing on in this House. You can throw it away, but the effect is there, and the facts are there. Now

[Pandit S. C. Mishra]

I say, Sir, that if this Bill goes out,.. (*Interruptions*) theoretically it can be a triumph for the poor, for the masses, that the propertied classes have been charged. But in action it has been a triumph for the propertied classes. Unfortunately, the propertied classes have placed inside this House so many champions and so many proteges! and therefore I say this is going out in a mixed form. In a token form, it is a triumph, but in real, actual working, it is a defect for the unemployed, for the poorer sections in the country. With these words, Sir, I close, and of course we must thank the Finance Minister even for the token success that has been granted to us, the poor, the leftist.

सरदार ए० एस० सहगल (बिलासपुर) : अध्यक्ष महोदय, जो बिल सदन के सामने रक्खा गया है और फाइनैन्स मिनिस्टर साहब ने जो इस बिल को लाने की कृपा की है उस के लिये मैं उनको बधाई देता हूं। इस के साथ साथ हमें यह देखना चाहिये कि यह बिल जिस वक्त पहले पहल हाउस के सामने आया वह १९४६ में पेश किया गया, क्या क्या कारण थे जिन के कारण यह बिल उस वक्त पास न हो सका। उस के बाद जब कान्स्टिटुएन्ट एसेम्बली बैठी तब फिर यह बिल सदन के सामने लाया गया, लेकिन बहुत से कारणों से यह बिल फिर वापस चला गया। और अब इतने सालों के बाद यह बिल इस सदन के सामने आया है। अगर हम इस को कुछ पहले ही पास कर दिये होते तो आज हमारे देश की जनता की हालत कुछ अच्छी होती और हमारे बहुत से दोस्तों के पास जो पैसा इकट्ठा हो गया है उस का काफी हिस्सा आप के पास आगया होता और उस से आप बहुत से कार्य कर सकते थे।

सभापति जी इस बिल का उद्देश्य यह है कि जो भी अधिक पैसा हमारे बड़े बड़े लोगों के पास है उस को लेकर हम देश के कामों में लगा सकें। हमारे पास दूसरा कोई उपाय नहीं था कि जिस से हम अपने देश के बड़े लोगों से पैसा लेकर देशहित के कार्यों में लगा सकते। हमारे इस सदन के उन माननीय सदस्यों को जिन के पास काफी पैसा है बहुत बुरा मालूम होता होगा। लेकिन उन को यह सोचना चाहिए कि यह कार्य जो किया जा रहा है यह जनता की भलाई के लिए किया जा रहा है। इस कार्य को जनता की चुनी हुई पापुलर सरकार कर रही है और जनता की भलाई के लिए कर रही है। जो भी यह पैसा आवेगा यह जनता के हित के लिए खर्च किया जायगा।

इस के अतिरिक्त हम इस बिल के जरिये से उस खाई को भी बहुत कम करने में सफल होंगे जो कि हमारे देश के धनी वर्ग और दूसरे लोगों के बीच में पड़ गयी है, और इस से देश का बहुत कुछ लाभ होगा।

इसी के साथ साथ मैं अपने उन मित्रों से जिन को कि शिड्यूल पर आपत्ति है यह कहना चाहता हूं कि जो शिड्यूल बना है अभी उस के अनुसार कार्य होने दीजिये और देखिये कि इस को कितनी सफलता मिलती है। यदि उन को अभी इस को बदलनें का मौका नहीं मिला है तो इस को कार्य रूप में परिणत होने दीजिये फिर साल दो साल बाद उन को मौका मिलेगा कि वह उस को बदल सकेंगे।

इन शब्दों के साथ मैं फाइनेन्स मिनिस्टर साहब को धन्यवाद देता हूं कि उन्होंने इस बिल को सदन के सामने रखा।

Shri Sarangadhar Das: Sir, I had no intention to speak, but after hearing the previous speaker I wish to say just a few words. The previous speaker said something about getting money out of this Act for the benefit of the people. I just want to give a warning to the Finance Minister that this money, when it does come, should

not go into the drains in all the development works and the community projects that the Government are carrying on.

Sir, our country is a poor one; we have no money. But what I have observed during the last few years is that not more than 30 or 40 per cent. of the money that becomes available goes towards productive purposes; 50 to 60 per cent. goes into the drain, into somebody's pocket, contractor's pocket, or the officers' concerned....

Dr. M. M. Das: Is it a drain inspector's report?

Shri Sarangadhar Das: Yes, yes; there must be drain inspectors also, because my hon. friend is connected with the drain.

Shri S. S. More: He is himself a drain inspector.

Shri Sarangadhar Das: Sir, this is very important, because all of us are happy,—although the Bill is not a very big proposition, the rates of duty are not as high as many of us would want it to be,—that some money would come out of this enactment. But in future, Government should be very careful that the money is well utilised, one hundred per cent. of it, not 30 or 40 per cent., as has been the case so far.

Sir, I have nothing more to add, except that I also think the Finance Minister for bringing this small measure, not a big measure, and building it to the end. Even small mercies are appreciated by the people and appreciated by me.

Shri S. C. Samanta (Tamluk): Mr. Chairman, I whole-heartedly support the Bill that is going to be passed. This sort of legislation is a new one for our country, and this Act will have to be experimented on Indian soil. I know that all the parties and the people outside have accepted this measure, but there may be some who wanted that it should not have been in this form but in some other form. However, my friends opposite have given such co-operation in the course of the debate that the Bill is going to be transformed into an Act very soon. I am thankful to the hon. Finance Minister who very cautiously and carefully piloted the Bill. He had many things from this side and that, but he calmly overcame them. Sir, in this respect I remember one thing which was cited by my hon. friend Shri Raghavachari. He said the Estate governed by *Mitakshara* is unfortunate. As regards the Estate Duty Bill, I would say that we all are unfortunate. When a lawyer takes up a case, fully knowing that the case is false, he pleads that it is true. In the same way, we people, governed by different customs, feel that way. But if one thinks calmly, he finds no other way but to have one uniform code for the country, so that all inequalities may go. With the passing of this legislation, we must utilise our experience and see that one uniform code, at least for the Hindus, is placed before the House in a short time, so that we will not go against each other and think ill of each other. The Constitution recommends to us to make ourselves equal in all respects and we should follow it, but there are discrepancies and those discrepancies we must try to mitigate as far as we can until we are able to bring out a uniform code in our social, educational and other spheres.

Sir, this legislation tells us what sort of communism we want in our country and this Bill is a pioneer to it. We want properties to be brought down from those who have amassed them for years or ages together, and this is one of the non-violent ways by which we can bring down the inequalities that exist at present. In that respect, I wholeheartedly welcome this Bill.

Mr. Chairman: The House stands adjourned until 8-15 A.M. tomorrow.

The House then adjourned till a Quarter Past Eight of the Clock on Tuesday, the 15th September 1953.